

1 Zoom, can you identify yourselves, please.  
 2

3 MR. MALHI: Hi. This is Jaywin Singh  
 4 Malhi on behalf of the Department of Justice. And  
 along with me is a student intern, Camryn Pac.

5 THE WITNESS: That's the USD attorney?  
 6

7 MR. FOMBONNE: Yeah.  
 8

9 MS. YEOMANS: This is Georgina Yeomans  
 on behalf of the HAUL plaintiffs.  
 10

11 MR. WILDER: This is William Wilder on  
 12 behalf of the Lupac plaintiffs.  
 13

14 MS. ROSENBAUM: Laura Rosenbaum on the  
 15 phone on behalf of the Mi Familia Vota plaintiffs.  
 16

17 THE VIDEOGRAPHER: Everybody has  
 18 introduced themselves on Zoom?  
 19

20 (No answer)

21 THE COURT REPORTER: Okay. We'll take  
 22 that as a yes.  
 23

24 Will you raise your right hand,  
 25 please.  
 26

27 THE WITNESS: (Complies).

28 MR. CHRISTOPHER G. HOLLINS,  
 29 having been first duly sworn, testified as follows:  
 30

31 EXAMINATION

32 Q. (BY MR. SWEETEN) Good afternoon,  
 33 Mr. Hollins. I'm Patrick Sweeten with the Texas  
 34

1 Attorney General's Office representing the State  
 2 Department in this case.  
 3

4 Can you state and spell your full  
 5 name.  
 6

7 A. Yeah, Christopher George Hollins,  
 8 C-H-R-I-S-T-O-P-H-E-R, G-E-O-R-G-E, H-O-L-L-I-N-S.  
 9

10 Q. Okay. What is your job title  
 11 currently?  
 12

13 A. I'm a principal attorney of Hollins Law  
 14 Group.  
 15

16 Q. Okay. And where is -- where is the  
 17 principal office of Hollins Law Group, in Houston?  
 18

19 A. Northwest Houston.  
 20

21 Q. Okay. Do you have any other -- any  
 22 other employment besides that?  
 23

24 A. I don't think I'm W-2'd from anywhere,  
 25 if that is the question.  
 26

27 Q. Okay. Do you have any -- are you -- do  
 28 you realize any income from any other businesses or  
 29 operations?  
 30

31 A. I have some real estate business. I  
 32 think I'm of counsel in a couple of cases that are  
 33 not held by my law firm.  
 34

35 Q. Okay. All right. So you -- have you  
 36 been deposed before today?

12 A. In life, yes; in this matter, no.  
 13

14 Q. Okay. So not in this matter, in life,  
 15 tell me when you were deposed.  
 16

17 A. Probably about six, seven years ago, I  
 18 was deposed in a civil matter about discrimination at  
 19 a -- at a nightclub.  
 20

21 Q. Okay. Who were the plaintiffs or  
 22 defendants in that case?  
 23

24 A. I was one of the plaintiffs.  
 25

26 Q. Okay. And what -- do you remember the  
 27 nightclub?  
 28

29 A. I believe it was Clé, which is right  
 30 here in town.  
 31

32 Q. Okay.  
 33

34 A. C-L-É is the spelling.  
 35

36 Q. Was that a -- do you recall what the  
 37 cause of action was?  
 38

39 A. They wouldn't let us into the club  
 40 because we were black.  
 41

42 Q. Okay. And you were -- did you sue  
 43 based on the Civil Rights Act or Section 1983? What  
 44 was the basis of that?  
 45

46 A. I believe so.  
 47

48 Q. Okay. All right. Any other times  
 49 you've been deposed?  
 50

13 A. Not to my knowledge. I can't recall.  
 14

15 Q. Okay. It's my understanding you've  
 16 testified in matters before?  
 17

18 A. Sure.  
 19

20 Q. Okay. Can you tell me about your --  
 21 your experience testifying.  
 22

23 A. As County Clerk, I have definitely  
 24 testified at least once, maybe a second time, in  
 25 matters related to -- to my service as County Clerk.  
 26

27 Q. Okay. And that occurred during the  
 28 2020 election year, correct?  
 29

30 A. That's correct.  
 31

32 Q. All right. So you've been deposed  
 33 before, but I'll just go ahead and just run through a  
 34 few ground rules on it.  
 35

36 First, you're under oath at all times.  
 37 You understand that, correct?  
 38

39 A. Yes.  
 40

41 Q. All right. Second, I may be asking  
 42 questions. Our court reporter is going to be taking  
 43 down what I say and what you say. So if we can make  
 44 an agreement that I'll -- I'll try to let you finish  
 45 your answer, and then in turn, when I'm asking a  
 46 question, let me finish the question. I may  
 47 anticipate or you may anticipate what I'm going to

1 say, but let us complete the thoughts so we don't  
 2 have a record that when we go back and read it, that  
 3 we don't -- we don't understand what we were saying  
 4 to each other, okay?

5 A. Sure.

6 Q. All right. Along those lines she can't  
 7 take down shakes of the head, "uh-huhs" or "huh-uhs,"  
 8 that sort of thing. It's normal in conversation, but  
 9 she -- she can't get that, and so there may be times  
 10 when -- if we're talking in that way that I may just  
 11 ask you a yes or no, and the reason is to try to  
 12 maintain a clear record, okay?

13 A. Sure.

14 Q. We can take breaks during the afternoon  
 15 as you need them. If there's a question pending on  
 16 the table, if you'd answer it and then we take a  
 17 break right after that, okay?

18 A. Absolutely.

19 Q. All right. And if you don't understand  
 20 a question that I ask or don't hear it, then just let  
 21 me know and I will repeat it, okay?

22 A. All right.

23 Q. Oh, I guess the last thing is your  
 24 counsel may from time to time object. If you would  
 25 go ahead and answer the question after the question

16 the party.

2 Q. And that's the statewide party,  
 3 correct?

4 A. That's correct.

5 Q. All right. You also at one time  
 6 interned in the Obama Administration, correct?

7 A. That's correct.

8 Q. What -- what did you -- what -- what  
 9 areas did you intern?

10 A. I was in the Office of Presidential  
 11 Personnel.

12 Q. Okay. Now, you are currently a  
 13 candidate for mayor?

14 A. That's correct.

15 Q. All right. You announced your  
 16 candidacy in February of 2022, correct?

17 A. Yes.

18 Q. All right. And you are currently, I  
 19 assume, on the campaign trail?

20 A. Yeah.

21 Q. Okay. And -- and that race is in -- is  
 22 that for the 2023 race? Is that correct?

23 A. Yes.

24 Q. Will that take place in November of  
 25 2023?

1 is asked, despite the objection, unless he instructs  
 2 you not to answer. We would -- a lot of times people  
 3 stop when the objection occurs and don't know what to  
 4 do, but go ahead and answer after the question is  
 5 asked and the objection is asserted, okay?

6 A. All right.

7 Q. All right. So I want to know a few  
 8 things about your background. I -- I think I have a  
 9 pretty good understanding of it, though.

10 But I guess the first thing is that  
 11 you were -- you are a member of the democratic party,  
 12 correct?

13 A. I'm a democrat.

14 Q. Okay. You voted in the democratic  
 15 primary, correct?

16 A. Yes.

17 Q. Okay. You -- you have served  
 18 previously as the vice chair of the Texas Democratic  
 19 Party, correct?

20 A. I serve currently as the vice chair of  
 21 the Democratic Party.

22 Q. Okay. And -- and so -- did you -- was  
 23 your previous title vice chair or that's always been  
 24 your title?

25 A. It's the only title I've ever held with

1 the party.

2 Q. And that's the statewide party,  
 3 correct?

4 A. That's correct.

5 Q. All right. You also at one time  
 6 interned in the Obama Administration, correct?

7 A. That's correct.

8 Q. What -- what did you -- what -- what  
 9 areas did you intern?

10 A. I was in the Office of Presidential  
 11 Personnel.

12 Q. Okay. Now, you are currently a  
 13 candidate for mayor?

14 A. That's correct.

15 Q. All right. You announced your  
 16 candidacy in February of 2022, correct?

17 A. Yes.

18 Q. All right. And you are currently, I  
 19 assume, on the campaign trail?

20 A. Yeah.

21 Q. Okay. And -- and that race is in -- is  
 22 that for the 2023 race? Is that correct?

23 A. Yes.

24 Q. Will that take place in November of  
 25 2023?

1 A. Yes.

2 Q. Okay. All right. So you were born on  
 3 July 8th, 1986; is that right?

4 A. Yes. (Nods).

5 THE COURT REPORTER: Out loud.

6 THE WITNESS: Yes.

7 Q. (BY MR. SWEETEN) Okay. And your father  
 8 was -- worked for the Houston Police Department,  
 9 right?

10 A. That's correct.

11 Q. You went to -- you attended Eisenhower  
 12 in Missouri City, Eisenhower High School?

13 A. Hightower High School.

14 Q. Hightower High School, okay.  
 15 And when did you graduate from

16 Hightower High School?

17 A. May 31st, 2003.

18 Q. Okay. Is -- is that a new school out  
 19 there?

20 A. I think I was in the third graduating  
 21 class.

22 Q. Okay.

23 A. It's no longer a new school.

24 Q. Is it 4 or 5A, 6A?

25 A. It was 5A then. I'm not sure what it

1 is now.

2 Q. Did you go -- right after Hightower  
3 High School, did you attend Morehouse College?

4 A. I did.

5 Q. When did you graduate Morehouse  
6 College?

7 A. 2007.

8 Q. Okay. And then you -- you hold a BA in  
9 political science; is that correct?

10 A. That's correct.

11 Q. All right. You have earned a JD Law  
12 from Yale Law School, correct?

13 A. That's correct.

14 Q. And then an MBA from Harvard Business  
15 School, correct?

16 A. That's correct.

17 Q. All right. When did you -- in what  
18 states are you licensed?

19 A. Texas.

20 Q. Okay. And how long have you been  
21 licensed in Texas?

22 A. Since 2014.

23 Q. Okay. Are you a -- have you ever  
24 practiced in the area of voting rights law?

25 A. No.

1 you're not an expert in voting rights; is that right?

2 A. If you describe that as, you know,  
3 knowing Article -- Section 2 or whatever you just  
4 described, then the answer's no.

5 Q. Okay.

6 A. I haven't reviewed those as of late.

7 Q. Okay. So your -- your -- let's talk  
8 about your jobs up until now.

9 You're an attorney. You're -- what  
10 was your first job out of law school?

11 A. A management consultant.

12 Q. Okay. And you worked for -- was it  
13 Goldman or Mackenzie?

14 A. Mackenzie & Company.

15 Q. Okay. And then how long did you work  
16 for them?

17 A. I worked for them over the course of 11  
18 years, with -- stopped to attend graduate school and  
19 work in the White House.

20 Q. Okay. And then -- so when did you  
21 leave Mackenzie?

22 A. Late '17/early '18.

23 Q. When you were with Mackenzie, what  
24 office were you in?

25 A. I started in Atlanta and later on was

1 Q. Okay.

2 A. Not to my knowledge.

3 Q. All right. You don't hold yourself out  
4 as being a voting rights specialist?

5 A. No.

6 Q. You're not an expert in that area,  
7 correct?

8 A. As someone who has served as an  
9 election administrator, I would probably qualify as  
10 an expert. But I'm not a voting rights lawyer, if  
11 that's the question.

12 Q. Well, I guess I'm asking you about your  
13 familiarity with the Voting Rights Act. Are you  
14 familiar with Section 2?

15 A. Not deeply.

16 Q. Okay. Section 208?

17 A. Not deeply.

18 Q. Okay. I assume you have familiarity  
19 with the 14th Amendment?

20 A. Sure.

21 Q. Okay. Are you -- I mean, have you read  
22 Arlington Heights, for example? Do you recall what  
23 that holding said?

24 A. Not off the top of my head.

25 Q. Okay. So with respect to being --

1 in the Houston office.

2 Q. Okay. At some point you were at  
3 Goldman Sachs?

4 A. Correct.

5 Q. Was that after 2017?

6 A. No, it was before. It was while I was  
7 in graduate school.

8 Q. Okay. And tell me the times you were  
9 at Goldman Sachs.

10 A. 2012.

11 Q. Okay. Now, other than the internship  
12 with the Obama Administration, prior to becoming the  
13 Harris County Clerk -- we'll talk about that in a  
14 minute -- had you held any political offices,  
15 Mr. Hollins?

16 A. No.

17 Q. Okay. So is it the case that your  
18 first political appointment, then, after -- after  
19 being an intern was on -- began on May 16th, 2020,  
20 when the Commissioners Court for Harris County voted  
21 you in as the interim clerk for Harris County?

22 A. Are you classifying an elective office  
23 as political office?

24 Q. I -- I'm classifying elected officer,  
25 even a political appointment as political office, I

1 guess, so -- maybe let me ask it that way.  
 2

3 I guess the question I'm asking is  
 4 your political -- your -- your -- your political  
 5 life, I want to get into that a little bit.

6 And so we have talked about the fact  
 7 that you were an intern with the Obama  
 8 Administration. By the way, how long did you work as  
 9 an intern there?

10 A. From May until August of 2009.

11 Q. Okay. All right. Worked in the White  
 12 House?

13 A. Yes.

14 Q. And --

15 A. Sorry, I don't classify government  
 16 service as political --

17 Q. Okay.

18 A. -- life. That's -- that's the --

19 Q. That's fine. Maybe we can just call it  
 20 government service.

21 A. Perfect.

22 Q. I'm not particular on that. I'm just  
 23 trying to get a sense --

24 A. Okay.

25 Q. -- of what you've done now.

You were appointed then -- is the next

1 time you -- you had government service or when you --  
 2 you served with the government, was that when you  
 3 were appointed the Harris County Clerk?

4 A. Full-time, yes. I was also appointed  
 5 to serve on a tax increment reinvestment zone here in  
 6 Houston.

7 Q. Okay. Tell me what that is.

8 A. It is a zone identified by locality  
 9 that allows a tax revenue after a certain point in  
 10 time to be reinvested back in that area instead of  
 11 going into the general fund of the local government.

12 Q. Okay. How long did you serve?

13 A. I was appointed early in the pandemic,  
 14 so I -- let's call it April of 2020, perhaps, and I  
 15 still serve today.

16 Q. Okay. Is that a paid position?

17 A. It's not.

18 Q. Okay. And you served with how many  
 19 other board members, if you know?

20 A. Seven to nine. I'm not sure of the  
 21 makeup of the board.

22 Q. Okay. All right. So you were  
 23 appointed, as I understand it -- was the position as  
 24 I stated it, the Harris County -- the interim clerk  
 25 for Harris County? Is that right?

24 A. The County Clerk for Harris County.

1 Q. County Clerk for Harris County. Were  
 2 you interim or were you full-time?

3 A. I was full-time.

4 Q. Okay. So you were not the interim at  
 5 any point?

6 A. I was appointed to serve in the role.  
 7 I think I served for an interim period, but I -- I  
 8 don't know what the classification of "interim"  
 9 means. I was the County Clerk.

10 Q. You were the County Clerk?

11 A. Yes.

12 Q. Okay. And in fact, you were the County  
 13 Clerk, as I understand it, from June 1st, 2020 until  
 14 November of 2020, right?

15 A. That's correct.

16 Q. When did you leave the office in  
 17 November of 2020?

18 A. I believe it was the 17th. But after  
 19 the 2020 election was certified, there was an elected  
 20 County Clerk, and -- and that person became the  
 21 County Clerk.

22 Q. And who was that?

23 A. Teneshia Hudspeth.

24 Q. Okay. So is she still the County

1 Clerk?

2 A. Yes.

3 Q. All right. So as I understand it, in  
 4 your job -- and so let's -- let me count how many  
 5 months that was. That was June, July, August,  
 6 September, October, and about half of November.

7 So you were the Harris County Clerk  
 8 for about five and a half months, correct?

9 A. That's correct.

10 Q. All right. And as I understand it,  
 11 among other duties, like administering permits, that  
 12 sort of thing, you were -- you manage -- you're  
 13 responsible for managing elections in Harris County;  
 14 is that right?

15 A. Yes.

16 Q. Okay. And that was as the County  
 17 Clerk?

18 A. Yes.

19 Q. All right. How did you -- now, I  
 20 understand the Commissioner's Court appointed you?

21 A. Uh-huh.

22 Q. Is that "yes"?

23 A. Yes. Sorry.

24 Q. That's okay. And you were appointed --  
 25 was it a party line vote, three to two?

1 A. Yes.

2 Q. Okay. And -- and when you were  
3 appointed, how -- how did you come to be appointed to  
4 that position?

5 A. I applied. I submitted my résumé.

6 Q. Did you submit your résumé yourself or  
7 did you go through someone else?

8 A. Through a portal system.

9 Q. All right. So you went -- did you go  
10 through an interview process?

11 A. Yes.

12 Q. Okay. Did you have any prior election  
13 experience prior to taking that position?

14 A. Not in administration of elections.

15 Q. Okay. What other -- what experience  
16 would you have had in elections?

17 A. Working on campaigns, volunteering.

18 Q. Okay. What campaigns did you work on?

19 A. There have been a lot.

20 Q. Okay. Well, let's start -- I mean,  
21 presidential campaigns at any point?

22 A. I don't think I have ever volunteered  
23 on a presidential campaign.

24 Q. Okay. Have you ever volunteered to  
25 work on a senatorial campaign?

1 A. Not to my knowledge.

2 Q. Okay. Have you worked on a  
3 Congressional campaign?

4 A. I remember I volunteered for Lizzie  
5 Fletcher in 2018.

6 Q. Okay. And I'm not familiar with who  
7 that is.

8 A. She's -- we might be in her district  
9 right now. She is a -- she is a Congresswoman  
10 representing a big chunk of Houston and now Fort Bend  
11 County.

12 Q. Okay. And she's democrat?

13 A. She is.

14 Q. Okay. So we have -- have we exhausted  
15 all your Presidential, Senatorial, and Congressional  
16 campaign experience?

17 A. I believe so. I can't fully recall.

18 Q. Okay. So now I want to ask you: Have  
19 you worked on any Texas Senate campaigns?

20 A. State Senate?

21 Q. State Senate, yeah.

22 A. I'm not certain.

23 Q. Okay. Texas House members, have you  
24 worked on any Texas House campaigns?

25 A. On a volunteer basis, I believe I may

28

29

1 have knocked doors or something of that nature for  
2 somebody.

3 Q. Do you recall who that was?

4 A. Not off the top of my head.

5 Q. Okay. So then the next question is:

6 And -- and so have we exhausted all the Texas House  
7 campaigns that you remember working on?

8 A. Yes.

9 Q. Okay. Now I want to ask about local  
10 politics. Have you worked on a mayoral race?

11 A. I've supported Mayor Sylvester Turner  
12 as volunteer.

13 Q. Okay. And that was during his last  
14 campaign for mayor?

15 A. Both, I believe. Well, not both.

16 He's -- he's -- he's had many campaigns. Both of his  
17 successful campaigns, yes.

18 Q. Got it. So, I mean, these are  
19 four-year terms, mayoral terms, correct?

20 A. That's correct.

21 Q. So doing my arithmetic, 2019 to 2015;  
22 does that sound right?

23 A. That's correct.

24 Q. All right. Council races, have you --  
25 have you worked on council races?

1 A. I believe so.

2 Q. Okay. Do you recall who -- for whom?

3 A. I believe in 2015, I supported Amanda  
4 Edwards.

5 Q. Okay.

6 A. In 2019 I believe I supported Isabel  
7 Longoria.

8 Q. All right. Any other cam -- council  
9 campaigns that you can recall working on,  
10 Mr. Hollins?

11 A. Probably, but I can't recall  
12 specifically.

13 Q. Okay. Any other political campaigns  
14 that you recall working on?

15 A. Yes. I worked on a school board race  
in Desoto ISD --

16 Q. Okay.

17 A. -- for Aubrey Hooper. I have worked on  
18 a mayoral campaign for a man by the name of Randall  
19 Woodfin in Birmingham, Alabama. I have worked on the  
20 campaign of a gentleman named Nate Fleming running  
21 for shadow representative in Washington D.C. I've  
22 worked on a mayoral campaign for a gentleman by the  
23 name of Ceasar Mitchell running in Atlanta, Georgia.  
24 Those are the ones I can recall off the top of my

1 head.

2 Q. Okay. Now, during your term -- pardon  
3 me.

4 During your term as the Harris County  
5 Clerk, you -- that term, that five and a half months  
6 that you served in that capacity, you were working  
7 during the Covid -- Covid-19 pandemic, correct?

8 A. Yes.

9 Q. Okay. Let me just ask you: Why did  
10 you leave on November 17th of 2020?

11 A. Again, there was someone who had been  
12 elected to that position, and so by law, my term  
13 ended and that person's term began --

14 Q. Okay.

15 A. -- when the vote was certified.

16 Q. You did tell me that. All right.  
17 Thank you.

18 Now, so back to 2020 when you were  
19 serving, and during the five and a half months that  
20 you served as the clerk, there were -- it was an  
21 election year, correct, a Presidential election year,  
22 right?

23 A. Yes.

24 Q. Now, you were not in office and did not  
25 administer the -- the March primary, correct?

1 A. That's correct.

2 Q. Okay. So is it the case that -- was  
3 the first -- was there a runoff for the March primary  
4 that you had to administer?

5 A. Yes.

6 Q. Okay. And when did that runoff occur?

7 A. I believe the date was July 14th.

8 Q. Okay. And so your first election to  
9 administer was a runoff race in July of 2020,  
10 correct?

11 A. That's correct.

12 Q. Okay. How did it go?

13 MR. FOMBONNE: Object to the form.

14 THE WITNESS: Can you repeat that?

15 Q. (BY MR. SWEETEN) Yeah. Would you say  
16 that the election went smoothly, successfully?

17 A. Yes.

18 Q. Okay. Were there any issues that  
19 happened in July of 2020?

20 A. I think there are always issues in an  
21 election administration. I can't recall any issues  
22 with specificity.

23 Q. Okay. Since we are in July, so your  
24 next election, then, was when, after July of 2020?

25 A. November of 2020.

1 Q. Okay. So your next one was a big one,  
2 a Presidential election?

3 A. That's correct.

4 Q. And Presidential elections, you would  
5 agree, are typically the highest turnout elections  
6 that are held?

7 A. That's correct.

8 Q. Okay. Now, I want to -- and I'm going  
9 to start by giving you an exhibit.

10 MR. SWEETEN: Can I get some exhibit  
11 stickers?

12 THE COURT REPORTER: Uh-huh.

13 MR. SWEETEN: Do you mind if I just  
14 pull them off here?

15 THE COURT REPORTER: (Nods).

16 Q. (BY MR. SWEETEN) Before I give you this  
17 one, you understand that you're here pursuant to a  
18 notice that the Texas Attorney General was provided,  
19 and then there was a cross-notice of your deposition  
20 sent by one of the partner's groups, right?

21 Is that what you understand?

22 A. That is my understanding.

23 Q. All right. You were -- you were issued  
24 a subpoena and served; is that right?

25 A. That's correct.

1 Q. Okay. And you're here because of that  
2 subpoena, right?

3 A. That's correct.

4 Q. Okay. Get that out of the way.

5 All right. So Mr. Hollins, I'm going  
6 to hand you what we'll mark as Exhibit Number 1.

7 (Exhibit 1 marked)

8 Q. (BY MR. SWEETEN) And I want to ask you  
9 if you would look at that.

10 MR. FOMBONNE: Do you have any copies,  
11 Counsel?

12 MR. SWEETEN: I do.

13 MR. FOMBONNE: I don't want to reach  
14 over. Thank you.

15 Q. (BY MR. SWEETEN) Okay. Have you had a  
16 chance to look at Exhibit 1, Mr. Hollins?

17 A. I have.

18 Q. Now, you recognize Exhibit Number 1,  
19 because that's a letter that you wrote, right?

20 A. I did.

21 Q. And the letter that you wrote was a  
22 letter to Governor Greg Abbott; is that right?

23 A. That's correct.

24 Q. And this would -- was this the first  
25 correspondence you had written to Governor Abbott in

1 the -- in the two months that you served your -- let  
 2 me ask it a better way.  
 3

4 You're here in the second month of  
 5 your tenure as the Harris County Elections Clerk,  
 6 correct, when you're writing this letter, right?  
 7

8 A. That's correct.  
 9

10 Q. You have one election under your belt,  
 11 which is the July 14th runoff, right?  
 12

13 A. That's correct.  
 14

15 Q. And is this the first letter that you  
 16 had written to Governor Greg Abbott?  
 17

18 A. I believe so.  
 19

20 Q. Okay.  
 21 A. I don't know for sure.  
 22

23 Q. Now, you ask two things in the letter  
 24 of Governor Abbott, correct?  
 25

1 A. Yes.  
 2

3 Q. And those two things are, one, you say,  
 4 "Please provide by the end of July the new start date  
 5 of early voting for the November election."  
 6

7 Right?  
 8

9 A. Uh-huh, yes.  
 10

11 Q. Okay. And, "Please increase early  
 12 voting by at least one week to begin no later than  
 13 Tuesday, October 13th, 2020."  
 14

1 MR. FOMBONNE: Counsel, do you have a  
 2 copy?  
 3

4 MR. SWEETEN: I do.  
 5

6 THE WITNESS: That's correct.  
 7

8 MR. FOMBONNE: Thank you.  
 9

10 MR. SWEETEN: Have I read the one,  
 11 okay. All right.  
 12

13 Q. (BY MR. SWEETEN) All right. Now, I  
 14 want to have you turn, if you would, to page two; and  
 15 particularly I want you to look at the second to the  
 16 last paragraph. Do you see that where it starts,  
 17 "Now, therefore, I, Greg Abbott?"  
 18

19 A. I do.  
 20

21 Q. Okay. So you say, "Now, therefore I,  
 22 Greg Abbott" -- it says, sorry, "Governor of Texas  
 23 under the authority vested in me by the Constitution  
 24 and the laws of the State of Texas do hereby suspend  
 25 Section 85.001(a) of the Texas Election Code to the  
 extent necessary or required for any election order  
 authorized to occur on November 3rd. Early voting by  
 personal appearance shall begin on Tuesday,  
 October 13th, 2020."

And I'll stop there and just ask you:  
 Is it the case that five days after the letter that  
 you wrote that a proclamation is issued that does

1 Did I read that right?  
 2

3 A. That's correct.  
 4

5 Q. Okay. Now I'm going to show you, then,  
 6 a proclamation that was then issued by the Governor.  
 7

8 You understand that the Governor  
 9 during that time was -- had issued a number of  
 10 Governor's orders and some of them related to  
 11 elections, correct?  
 12

13 A. Yes.  
 14

15 Q. And you're here on July 22nd, and  
 16 you're asking the Governor to do two things related  
 17 to elections, right?  
 18

19 A. Yes.  
 20

21 Q. And when you asked the Governor to do  
 22 those things, the Governor then issues -- five days  
 23 later, the Governor issues a proclamation, doesn't  
 24 he, that -- that impacts elections, correct?  
 25

A. I have to wait to see the exhibit.  
 B.

Q. Okay. Forgive the bend on -- on 2.  
 (Exhibit 2 marked)

Q. (BY MR. SWEETEN) But that will -- I  
 will hand you what's been marked as Exhibit 2, and  
 you would agree that that's the -- that is a -- a  
 letter and proclamation issued by Governor Abbott on  
 July 27th, 2020, right?

that -- that -- that does exactly what you have asked  
 for in the first request in the document dated  
 July 22nd, 2020, correct?

A. Yes.  
 B.

Q. Okay. And then if you look further,  
 let's keep going, it says, "And shall continue  
 through the fourth day before Election Day. I  
 further suspend Section 860.006(a-1) of the Texas  
 Election Code for any election ordered or authorized  
 to occur on November 3rd, 2020, to the extent  
 necessary to allow a voter to deliver a marked mail  
 ballot in person to the early Voting Clerk's Office  
 prior to and including on Election Day."

Did I read that correctly?

A. I wasn't listening to you word for  
 word. I was reading.  
 B.

Q. Okay. That's okay. I can do it again.  
 It is no problem.

So you say -- it says here in the  
 proclamation, "I further suspend Section 86.006(a-1)  
 of the Texas Election Code for any election ordered  
 or authorized to occur on November 3rd, 2020, to the  
 extent necessary to allow a voter to deliver a marked  
 mail ballot in person to the Early Voting Clerk's  
 Office prior to and including on Election Day."

1 Did I read that right?  
 2 A. You did.  
 3 Q. All right. So let's go back to your  
 4 letter on July 22nd. You've already told me that of  
 5 the two things you asked for that this proclamation,  
 6 it responded in full to number one. So now let's see  
 7 if -- if it did to number two.  
 8 On your request that early voting be  
 9 increased by at least one week, you would agree that  
 10 this proclamation did that, correct?  
 11 A. Yes.  
 12 Q. Okay. So, Mr. Hollins, two months into  
 13 your tenure as a -- as a new County Clerk, you write  
 14 the Governor and you ask for two things; five days  
 15 after you sent this letter, those two things were  
 16 granted by proclamation, correct?  
 17 A. That's correct.  
 18 Q. All right. But it wasn't just that,  
 19 right, there was more granted in that proclamation  
 20 than your letter asked for, right?  
 21 A. Yes.  
 22 Q. Okay. In fact, what was granted in the  
 23 proclamation was that -- that in that last sentence  
 24 that I read you, that the Election Code was expanded  
 25 to allow for ballots to be dropped off during a term

1 of early voting, correct?  
 2 A. That's correct.  
 3 Q. And you agree with me that under the  
 4 prior Election Code that the only date that you could  
 5 have dropped off ballots before this proclamation was  
 6 on Election Day?  
 7 A. That's correct.  
 8 Q. Okay. Now I want to hand you what I  
 9 will mark as Exhibit Number 3.  
 10 (Exhibit 3 marked)

11 Q. (BY MR. SWEETEN) Actually, I will be  
 12 sure to do that. Okay. So when that was granted,  
 13 what were your plans for location for early -- for  
 14 where ballots could be dropped off?

15 A. At our offices.

16 Q. Okay. And -- and you agree that that  
 17 you interpreted -- or your office interpreted that to  
 18 mean that you could drop it -- off ballots at more  
 19 than one location, correct?  
 20 MR. FOMBONNE: Objection: Form.  
 21 THE WITNESS: What it says here is  
 22 that a voter can deliver the marked mail ballot in  
 23 person to the Early Voting Office, so we interpret  
 24 that to mean our offices.  
 25 Q. (BY MR. SWEETEN) Okay. So how did --

1 how many offices total did you have as the -- as the  
 2 Harris County Election Clerk?

3 A. Somewhere between 11 and 13.

4 Q. Okay. So you had 11 to 13 offices  
 5 throughout Harris County; is that right?

6 A. That's correct.

7 Q. Okay. And -- and do you -- but you  
 8 would agree that the proclamation doesn't say  
 9 "offices," it says "office;" but you interpreted it  
 10 as being "offices," right?

11 A. Yes.

12 Q. Okay. And were you contacted about  
 13 your plans to do that?

14 A. By whom?

15 Q. Did -- did anybody criticize or contact  
 16 you about concerns about doing that?

17 A. I don't recall.

18 Q. Okay. Do you recall hearing any sort  
 19 of concerns being expressed to the media about that  
 20 issue?

21 A. I don't recall.

22 Q. Okay. Do you know what the practice of  
 23 other counties was in the state of Texas regarding  
 24 how they interpreted that proclamation?

25 A. I don't.

1 Q. Okay. Do you know if Harris County was  
 2 the only county that was accepting dropoff ballots at  
 3 multiple locations?

4 A. I don't.

5 Q. Okay. Don't know one way or the other,  
 6 right?

7 A. That's correct.

8 Q. Okay. All right. So now I'm going to  
 9 hand you -- now I'm going to do Exhibit 3. Do you  
 10 know when you made that announcement, Mr. Hollins?

11 A. What announcement?

12 MR. FOMBONNE: Object to the form.

13 Yeah.

14 Q. (BY MR. SWEETEN) Do you know when you  
 15 made -- when you communicated the decision to accept  
 16 those dropoff ballots at multiple locations?

17 MR. FOMBONNE: Object to the form.

18 THE WITNESS: I do not.

19 Q. (BY MR. SWEETEN) Okay. When would you  
 20 have made -- because going into the election, you had  
 21 a lot of decisions to make. I know that  
 22 administrating an election is a pretty complicated  
 23 endeavor, isn't it?

24 A. Yes, it is complicated.

25 Q. When would you suspect that you began

1 allowing -- or that you first communicated the  
 2 decision to allow them to be -- ballots to be dropped  
 3 off at each location?

4 MR. FOMBONNE: Object to the form.  
 5

6 THE WITNESS: I believe that, in  
 7 general, we started communicating to voters about the  
 8 November election as soon as possible after the  
 9 July 14th election concluded. So either late July or  
 10 early August is when we started to communicate to  
 11 voters.

12 Q. (BY MR. SWEETEN) Okay. And I would  
 13 assume that you communicated to the voters that those  
 14 would be -- I mean, is it your belief that you  
 15 communicated to voters that multiple ballot locations  
 16 would be accepted for the dropoff?

17 A. We communicated that they could dropoff  
 18 vote-by-mail applications at our offices.

19 Q. Okay. And do you think that was --  
 20 you -- you've pegged that about July or August of  
 21 2020, you think?

22 A. I don't know for sure. I said, in  
 23 general, we started communicating to voters about  
 24 expectations for the November election in late July  
 25 or early August. On that particular item, I couldn't  
 tell you.

1 Q. Okay. I mean, can you tell me a date  
 2 when you -- you know it was before that date?  
 3

4 MR. FOMBONNE: Object to the form.  
 5

6 THE WITNESS: Whatever day mail  
 7 ballots were sent out to voters, I imagine that we  
 8 communicated where they could drop them off before  
 9 that.

10 Q. (BY MR. SWEETEN) Okay. And would that  
 11 be -- isn't that typically 45 days in advance of the  
 12 election at the latest?

13 A. I don't recall. That sounds about  
 14 right.

15 Q. Okay. Since we know that the  
 16 election -- it looks like it was November. Was it  
 17 November 3rd, Mr. Hollins, in 2020?

18 A. I believe so, yes.

19 Q. Okay. So that would put -- when  
 20 ballots are being sent out, that would put that  
 21 sometime in mid September, right?

22 A. Correct, 45 days before November 3rd.

23 Q. Okay. And so just to kind of round out  
 24 I think what we've talked about, so is it your belief  
 25 that at least by some time in mid September that you  
 would communicate that we would be accepting multiple  
 ballots dropoff locations?

44 A. Most likely, yes.

1 Q. Okay. So now I'm going to show you  
 2 Exhibit 3. This is the next Governor's proclamation.  
 3 It's dated October 1st, 2020. If you could just look  
 4 at it and let me know if you've seen that before.

5 MR. SWEETEN: Gentlemen.

6 MR. FOMBONNE: Thank you.

7 Q. (BY MR. SWEETEN) So after having just  
 8 looked at it, do you recognize that as Governor  
 9 Abbott's proclamation of October 1st, 2020?

10 A. I do.

11 Q. Okay. Can you turn to the -- the last  
 12 page of the -- actually, I'm sorry, page three before  
 13 the signatures page, so page three of the -- of the  
 14 proclamation.

15 A. I'm looking at it.

16 Q. Okay. So I'm -- I'm looking at the  
 17 second paragraph starting at, "I further." Do you  
 18 see where it says, "I further suspend 86 --  
 19 Section 860.006(a-1) of the Texas Election Code for  
 20 any election ordered or authorized to occur on  
 21 November 3rd, 2020, to the extent necessary to allow  
 22 a voter to deliver a marked mail ballot in person to  
 23 the Early Voting Clerk's Office prior to and  
 24 including on Election Day; provided, however, that

1 beginning on October 2, 2020, this suspension applies  
 2 only when" -- and if you look below it says, "(1),  
 3 the voter delivers the" marked ballot -- "marked mail  
 4 ballot at a single Voting Clerk's Office location  
 5 that is publically designated by the Voting Clerk for  
 6 the return of marked mail ballots by  
 7 Section 86.006(a-1) and this suspension"?

8 Did I read the second and third  
 9 paragraphs correctly, Mr. Hollins?

10 A. I believe so, yes.

11 Q. Okay. And -- and so what happened --  
 12 so this was a proclamation entered -- that was issued  
 13 by the Governor approximately -- approximately a  
 14 month and maybe a week after the last proclamation  
 15 that clarified where those locations could be -- or  
 16 which -- that -- that it was a single location,  
 17 correct?

18 A. I think it is more than a month or so  
 19 ascribed. I wouldn't describe it as "clarifying." I  
 20 would describe that as -- as changing his previous  
 21 proclamation.

22 Q. Okay. Be that as it may, that -- that  
 23 with this second proclamation in October 1st -- and  
 24 you're right, it is two months and a week, I think,  
 25 right, after the first -- after the last

1 proclamation, right?

2 A. Sure.

3 Q. And so -- so what is still allowed are  
4 the things that you asked for in your letter, which  
5 are the -- that -- that -- that mail-in ballots can  
6 be dropped off, that they can be dropped off during  
7 early -- during the entire period of early voting,  
8 and that they -- and that the early voting had been  
9 expanded by a week for the presidential election.

10 All those things are correct, right?

11 A. So am I requested in reference mail  
12 ballots at all? The piece about early voting  
13 starting earlier is -- appears to be unaffected by  
14 this next proclamation.

15 Q. Okay. So then let me put it another  
16 way. The second -- the October 1st proclamation of  
17 Governor Abbott's continued the practice of having an  
18 additional week for early voting, as you had  
19 requested, right?

20 A. Yes.

21 Q. The October 1st, 2020 proclamation also  
22 had continued the fact that there was a set Election  
23 Day, correct, for early voting?

24 A. Again, it doesn't -- it doesn't talk  
25 about early voting --

1 Q. Okay.

2 A. -- in this second proclamation to my  
3 knowledge.

4 Q. So the two things that you had  
5 requested in your July letter are still intact,  
6 correct?

7 A. Correct. I mean, one was just give us  
8 an answer, which he had done already, so, yes, of  
9 course that's not going to change; and then the  
10 second one was extend early voting by at least one  
11 week, and that was unchanged by this second  
12 proclamation.

13 Q. Okay. But there was a -- and I think  
14 you have said you call it a change, but it basically  
15 limits to one location where ballots can be dropped  
16 off, right, Mr. Hollins?

17 A. Yes. And then it also appears to  
18 empower, you know, poll watchers to observe activity  
19 at -- at that location.

20 Q. All right. So were you, then, yourself  
21 or your office involved in any litigation about the  
22 October 1st, 2020 proclamation?

23 A. I don't recall.

24 Q. Okay. Do you recall giving an  
25 affidavit for any -- any litigant about the issues

1 that we've talked about from the October 1st, 2020  
2 proclamation?

3 A. I don't, but it wouldn't surprise me if  
4 I gave one.

5 Q. Okay.

6 (Exhibits 4 and 5 marked)

7 Q. (BY MR. SWEETEN) All right. I'm going  
8 to hand you what I have marked as Exhibit 4 and 5.  
9 And just take a few moments to get familiar with  
10 that, and I will get copies to your counsel.

11 MR. FOMBONNE: This is 4, 5?

12 MR. SWEETEN: That one is 4.

13 MR. FOMBONNE: 4.

14 MR. SWEETEN: And I will get you 5.

15 Here is 5.

16 MR. DILLARD: Thank you.

17 Q. (BY MR. SWEETEN) Okay. So I'm not  
18 going to get into a whole lot about this Exhibit 4,  
19 which is the Complaint for Declaratory Relief. I do  
20 have just a few questions for you about it, though,  
21 okay?

22 A. All right.

23 Q. So if we look at Exhibit 4 together,  
24 you agree that this -- the top of the -- of the style  
25 shows that it was filed in federal court in Austin,

1 correct?

2 A. Yes.

3 Q. Okay. And this was filed by the Texas  
4 League of United Latin American Citizens, and it's  
5 against Greg Abbott, correct?

6 A. It's also against me.

7 Q. And it's against you as well, correct?

8 A. Yes.

9 Q. Now, would you agree that this says  
10 that -- that in paragraph two -- and I will start at  
11 the second sentence. "On October 1st, 2020, Governor  
12 Abbott issued an order forcing county election  
13 officials to offer their absentee voters no more  
14 than one physical dropoff location at which to return  
15 their ballot."

16 Did I read that first sentence  
17 correctly?

18 A. I believe so.

19 Q. "In the state's largest counties,  
20 including Harris and Travis, see the October 1st  
21 order amend that the number of dropoff locations  
22 would respectively be reduced from 11 in four  
23 locations."

24 Did I read that right?

25 A. Yes.

1 Q. Okay. And then if -- if one were to go  
 2 on, you would see that -- that there are causes of  
 3 action claiming a violation of plaintiff's  
 4 fundamental right to vote, that's on page 15; on page  
 5 17, arbitrary disenfranchisement in violation of the  
 6 14th Amendment; and then on page three, count three,  
 7 race and language minority discrimination.

8 Did I accurately describe that -- the  
 9 allegations, the counts that are listed in the -- in  
 10 the complaint that was filed?

11 A. You did.

12 Q. Okay. And so you would agree -- we're  
 13 not going to re-litigate this now, just but -- but  
 14 you would agree that at the time -- that the filing  
 15 date of this complaint was actually 10/1/20, so the  
 16 same date as the Governor's proclamation, right?

17 A. Yes.

18 Q. Okay. Now, in that litigation -- so  
 19 I've handed you Exhibit Number 5. And do you know  
 20 who Brian Keith Ingram is?

21 A. I do.

22 Q. Do you think Brian Keith Ingram is --  
 23 he is the director of elections of the -- for of  
 24 state, correct?

25 A. I will take your word on the title, but

1 yes, yes, he is the director of elections.

2 Q. Okay. And have you met Mr. Ingram?

3 A. I know that we haven't ever met in  
 4 person, but we have met virtually on multiple  
 5 occasions.

6 Q. Right. Because the SOS has election  
 7 seminars and that sort of thing; is that right?

8 A. Yeah. And -- and we also interact  
 9 directly with them.

10 Q. Okay. You have spoken with Mr. Ingram  
 11 before on the Zoom platform, correct?

12 A. And on the phone, yes.

13 Q. And on the phone, all right.

14 Do you know how long Mr. Ingram has  
 15 been serving in that position?

16 A. I don't.

17 Q. Okay. It sounds like you don't know  
 18 Keith Ingram very well; is that right?

19 A. I don't know what you mean by "very  
 20 well." I -- I know him in his position as director  
 21 of elections.

22 Q. Okay. Has he provided you information  
 23 in the past about conducting of elections?

24 A. When I was serving as County Clerk,  
 25 yes.

52 Q. And that was during the -- that was  
 1 during 2020, right?

2 A. Yes.

3 Q. Okay. All right. So let's look at  
 4 the -- at an affidavit that was filed in another  
 5 case. It looks like the Laurie-Jo Straty, and I'm  
 6 just going to ask you about three paragraphs that he  
 7 stated, okay?

8 A. All right.

9 Q. The first one is paragraph five, and  
 10 here Mr. Ingram says that, "As a result of the  
 11 Governor's July 27th, 2020 proclamation, the  
 12 opportunities for in-person early voting increased by  
 13 six days."

14 Now, do you have any reason to  
 15 disagree with that?

16 A. I do not.

17 Q. And, in fact, that is true, isn't it?

18 A. I believe so, yes.

19 Q. Okay. "Moreover, because counties  
 20 began sending mail ballots on or before  
 21 September 19th, 2020, the proclamation increased the  
 22 opportunities for voters to hand-deliver their marked  
 23 mail ballots from only one day, Election Day, to over  
 24 40 days."

25 You agree that that is a true  
 statement, too. I think I have already said it,  
 right?

1 A. Yeah. Generally speaking, yes. I  
 2 don't know the 40-day part of it, but yes.

3 Q. Okay. That's fair.

4 But there is nothing incorrect about  
 5 what he's saying that, "The Governor's proclamation  
 6 increased opportunities to vote in person by six days  
 7 and by approximately 40 days for -- to deliver your  
 8 mail-in ballots," right?

9 A. Yes.

10 Q. Okay. So then he goes to paragraph  
 11 eight, and it says, "During the July 14th primary  
 12 runoff, Harris County became the first county in  
 13 Texas, to my knowledge, to ever offer multiple  
 14 locations for in-person delivery of mail ballots  
 15 pursuant the Section 86.006(a-1) of the Election  
 16 Code."

17 Did I read that right?

18 A. Yes.

19 Q. Now, do you have any reason to dispute  
 20 that Harris County was the first county to offer  
 21 multiple locations for in-person delivery of mail  
 22 ballots, not just the central office?

1 A. I don't know one way or the other.  
 2 Q. Okay. Do you -- let me ask it a  
 3 different way, then. Do you know of any or counties  
 4 that prior to July 14th, 2020 had ever employed it?  
 5 A. I have not looked into that.

6 Q. Okay. Fair. Let's go now to paragraph  
 7 10, if we could. On paragraph 10, Mr. Ingram's  
 8 affidavit says, "Out of 254 counties, I am only aware  
 9 of four counties that intended to utilize more than  
 10 one location for in-person delivery of mail ballots."  
 11 And he lists Harris County, Travis,  
 12 Fort Bend, and Galveston, right?

13 A. Yes.

14 Q. Okay. And -- and do you have any  
 15 reason to believe that's -- do you know of any others  
 16 other than those four?

17 A. Again, I have not looked into it.

18 Q. Okay. But you're not here -- you  
 19 don't -- you don't have contrary information to that  
 20 assertion, correct?

21 A. No.

22 Q. Okay. By statute, and even under the  
 23 July 27th proclamation, some of these locations would  
 24 not have been authorized sites to deliver a marked  
 25 ballot in person because they did not constitute a,

1 quote, "Early Voting Clerk's Office."  
 2 Did I read his assertion correctly?

3 A. Yes, you read what was on the paper.

4 Q. Okay. And would -- would you -- would  
 5 you have any reason to dispute that statement, that  
 6 there were -- of those four counties, there were some  
 7 locations that did not constitute an Early Voting  
 8 Clerk's Office?

9 A. I have no idea.

10 Q. Okay. And then the final sentence on  
 11 this document that I'm going to ask you about is  
 12 there in paragraph ten, and it says, "For example, in  
 13 Fort Bend County, the Early Voting Clerk is the  
 14 County's Elections Administrator who maintains only  
 15 one office. My understanding is that Fort Bend  
 16 County intended to use other county annex offices in  
 17 addition to the election administrator's office to  
 18 accept in-person delivery of mail ballots under  
 19 Section 86.006(a-1)."

20 Did I read that sentence -- those two  
 21 sentences correctly?

22 A. Yes.

23 Q. Okay. And do you know -- I think  
 24 you've pretty much said that today that you're not  
 25 familiar with other county's experience.

1 Do you have any knowledge of  
 2 Fort Bend's plans around what they were planning to  
 3 do with respect to ballot dropoff locations?

4 MR. FOMBONNE: Object to the form.

5 THE WITNESS: I do not recall ever  
 6 knowing Fort Bend's mail ballot delivery plans, nor  
 7 do I understand the makeup of their offices.

8 Q. (BY MR. SWEETEN) Okay. That's fair. I  
 9 got an objection so I will just want to ask it  
 10 another way. I think I know why he was objecting.

11 So I just want to say: You don't know  
 12 what Fort Bend -- Bend County's plans were with  
 13 respect to mail-in ballot locations during the 2020  
 14 cycle, correct?

15 A. No, I do not.

16 Q. So do you know how that lawsuit  
 17 resolve -- how the lawsuit surrounding the  
 18 October 1st proclamation resolved?

19 A. I do not.

20 MR. FOMBONNE: Object to the form.

21 Q. (BY MR. SWEETEN) Okay. As a factual  
 22 matter, did Harris County change their practice to  
 23 accept ballot dropoff -- ballot dropoffs only at the  
 24 central office location?

25 A. Yes. After the October proclamation,

1 we went from having multiple dropoff locations at  
 2 each of our County Clerk's Offices to only having  
 3 one.

4 Q. Okay. And that didn't change early  
 5 voting or Election Day, correct?

6 A. Meaning did we ever return to multiple?

7 Q. That's -- that's the question.

8 A. In early voting, we did not. I believe  
 9 that on Election Day, we may have returned to all of  
 10 our offices, but I don't recall.

11 Q. Okay. Do you know -- I mean, does that  
 12 indicate to you whether or not the challenge to  
 13 Governor Abbott's October 1st proclamation was  
 14 successful or not?

15 MR. FOMBONNE: Object to the form.

16 THE WITNESS: Again, I don't recall  
 17 the outcome of --

18 Q. (BY MR. SWEETEN) Okay.

19 A. -- these -- this suit.

20 Q. Needless to say, you followed the  
 21 October 1st proclamation?

22 A. We followed all Texas laws.

23 Q. Okay.

24 MR. FOMBONNE: You okay?

25 THE WITNESS: I'm good.

1           **Q. (BY MR. SWEETEN) Let me ask you --**

2           A. I was hoping you crossed off more.

3           **Q. Yeah, no, it's a good thing. It's a**  
4           **good thing.**

5           **So I forgot to ask you what you did to**  
6           **prepare for the deposition. Do you --**

7           A. I talked to my attorney for 15 minutes  
8           yesterday, I believe.

9           **Q. Okay. Mr. --**

10          MR. SWEETEN: If I get this wrong, I'm  
11          sorry, Fombonne?

12          MR. FOMBONNE: Yes, that's right.

13          **Q. (BY MR. SWEETEN) And so did you meet**  
14          **with anyone else other than Mr. Fombonne?**

15          A. No.

16          **Q. Okay. You understand that there are**  
17          **multiple plaintiffs in this lawsuit, right?**

18          A. I believe that to be the case.

19          **Q. And you understand the lawsuit that**  
20          **we're talking about here is the challenge to S.B. 1,**  
21          **correct?**

22          A. Generally, yes.

23          **Q. Okay. And so had -- did you talk with**  
24          **any of the other plaintiff's groups prior to your**  
25          **deposition here today?**

1           MR. FOMBONNE: Object to the form.

2           THE WITNESS: Before I was subpoenaed,  
3           I -- somebody from the Brennan Center reached out to  
4           me and told me that I might be subpoenaed --

5           **Q. (BY MR. SWEETEN) Okay.**

6           A. -- and -- and I told them thanks, and  
7           that was sort of that conversation.

8           **Q. Okay. Is that the entirety of the**  
9           **conversation?**

10          A. They gave me a little bit more  
11          information. Like -- like they told me the time  
12          frame in which -- I think they told me what the  
13          discovery deadline was. They said it might happen in  
14          this time frame if it's going to happen, that kind of  
15          thing.

16          **Q. Okay. Did you ever work with Mark**  
17          **Ilias' (ph) law firm or talk to them about this**  
18          **litigation at any point?**

19          A. This litigation?

20          **Q. Yeah.**

21          A. No.

22          **Q. Okay. Have you worked with Mark Ilias'**  
23          **law firm in the past regarding voting cases brought**  
24          **by -- by that law firm?**

25          A. I know who he is. I think we've had a

60

61

1           couple of conversations in life. I don't recall ever  
2           working with him. I know that the -- the drive-thru  
3           voting case, you know, November 2nd, 2020 was the  
4           hearing here in the Southern District. He had some  
5           staff working on that.

6           **Q. Okay.**

7           A. I don't know if they were -- I don't  
8           think they were working with us. I think they were  
9           codefendants or co-plaintiffs or intervenors or  
10          something of that nature.

11          **Q. Okay. All right. But with respect to**  
12          **that S.B. 1 lawsuit, you have not spoken with**  
13          **Mr. Ilias' law firm; is that correct?**

14          A. I have not.

15          **Q. Okay. All right. I want to stay with**  
16          **2020 and talk about another issue and that is the**  
17          **issue of mail-in ballots.**

18          THE WITNESS: Can we break for 90  
19          seconds so I can fill this glass of water up?

20          MR. SWEETEN: You bet. Come on, I  
21          will take you where you can get it.

22          THE VIDEOGRAPHER: The time is 2:47.  
23          Off the record.

24          (Recess taken)

25          (Exhibit 6 marked)

1           THE VIDEOGRAPHER: The time is 2:58.  
2           Back on the record.

3           **Q. (BY MR. SWEETEN) Okay. Mr. Hollins,**  
4           **we're back on the record after the first break.**

5           **So do you recall if Harris County**  
6           **elections had a Twitter feed at Harris votes?**

7           A. Yes.

8           **Q. Okay. Let me hand you a Tweet that's**  
9           **been marked as Exhibit 6, and I am particularly**  
10          **interested in the one on the top.**

11          MR. FOMBONNE: Thank you.

12          **Q. (BY MR. SWEETEN) Okay. Do you**  
13          **recognize that Tweet?**

14          A. I do.

15          **Q. Okay. And can you read it for us, just**  
16          **the top Tweet?**

17          A. "Update: Our office will be mailing  
18          every registered voter an application to vote by  
19          mail. To learn more about voting by mail in Harris  
20          County, please vote harrisvotes.com/votebymail."

21          **Q. And what is the date of that Tweet,**  
22          **Mr. Hollins?**

23          A. August 25th of 2020.

24          **Q. And when the -- when the Tweet was**  
25          **issued -- let me ask you: Are you aware of any**

1 County of the 254 counties in Texas that had ever  
 2 sent every registered voter an application to vote  
 3 by mail?

4 A. Again, I'm unaware of other county's  
 5 practices.

6 Q. Okay. And -- but it's the case that at  
 7 your office you made the decision to -- to send out a  
 8 mail-in ballot to every -- or an application to every  
 9 registered voter in Harris County, correct?

10 A. The Harris County Commissioner's Court  
 11 approved the practice and the budget in which to do  
 12 so.

13 Q. Okay. And -- and you announced here in  
 14 August of 2020 that you were going to do that, right?

15 A. Correct.

16 Q. And you would agree with me that --  
 17 that there is somewhere between -- there was at the  
 18 time somewhere between 2.3 and 2.4 million registered  
 19 voters in Harris County, correct?

20 A. I think it was between 2.4 and 2.5 --

21 Q. Okay.

22 A. -- but ballpark, correct.

23 Q. Okay. And do you -- and obviously  
 24 litigation -- let me back up.

25 When you did that, when you made that

1 announcement, you would agree that you were contacted  
 2 by the Secretary of State's Office, correct, about  
 3 that intended practice?

4 A. At some point thereafter, yes.

5 Q. Okay. And -- and when you -- when you  
 6 made the decision to do that, did you believe that  
 7 that was authorized by the Texas Election Code?

8 MR. FOMBONNE: Objection.

9 I'm just going to instruct you not to  
 10 answer to the extent it would reveal communications  
 11 with counsel. Otherwise, you can answer.

12 THE WITNESS: Okay. The Texas  
 13 Election Code did not prevent us from doing it.

14 Q. (BY MR. SWEETEN) Okay. That was your  
 15 view at the time you made that announcement, correct?

16 MR. FOMBONNE: Same instruction.

17 THE WITNESS: Correct.

18 Q. (BY MR. SWEETEN) Okay. Now I'm going  
 19 to hand you, then, what we will mark as Texas'  
 20 original petition. So this will be marked as  
 21 Exhibit 7.

22 (Exhibit 7 marked)

23 Q. (BY MR. SWEETEN) So I have handed you  
 24 Exhibit 7.

25 MR. SWEETEN: And I just want to turn

64 your attention to a couple of statements in this  
 petition, gentlemen.

1 Q. (BY MR. SWEETEN) Now, so Texas, let's  
 2 first look at the top. You can see "In the District  
 3 of Harris County" is on the style and you can see the  
 4 filing at the very top right that says that this --  
 5 this petition -- this Plaintiff's Original Verified  
 6 Petition and Application for a TRO, temporary  
 7 injunction and permanent injunction, was filed on  
 8 8/31/2020, correct?

9 A. That's correct.

10 Q. All right. And did you see this when  
 11 it was filed?

12 A. Meaning was I aware that I was sued?

13 Q. Correct.

14 A. Yes, I was aware that I was sued.

15 Q. All right. And if we look on page  
 16 four, in the factual background it talks about the  
 17 Tweet we just looked at, right? It says that on  
 18 October (sic) 5th, 2020, "The Harris County Clerk  
 19 announced on Twitter, 'Update: Our office will be  
 20 mailing every registered voter an application to vote  
 21 by mail," and it continues.

22 That was the Tweet that we just looked  
 23 at, right?

1 A. Correct.

2 Q. That is referenced here in paragraph  
 3 14, right?

4 A. Correct.

5 Q. All right. And then it says -- on 15  
 6 it says, "Currently, there are approximately  
 7 2.37 million registered voters in Harris County.  
 8 During the 2016 general election, based on votes cast  
 9 for Presidential candidates, a little over 100,000  
 10 voters in Harris County voted by mail."

11 Did I read that right?

12 A. You did.

13 Q. And I think you have corrected me that  
 14 you think it was somewhere closer to 2.4 and 2.5  
 15 million, but other than the number of registered  
 16 voters, do you have anything -- any reason to  
 17 disagree with what's in that first sentence -- those  
 18 first two sentences?

19 A. Yeah, I believe it was generally  
 20 accurate.

21 Q. Okay. All right. And then you would  
 22 agree with -- well, let's look on the next page, page  
 23 five, just the first sentence. It says, "As of  
 24 July 1st, 2019, only 10.9 percent of the Harris  
 25 County population is 65 years or older."

1           Did I read that right?

2           A. Yes.

3           Q. Okay. Now, I want to talk about  
4           something that had occurred prior to this without  
5           going into great detail, but you realize that there  
6           had been litigation before this about whether or not  
7           fear of Covid constituted a disability under the  
8           Texas Election Code?

9           There was litigation about that issue  
10          before this was sent, correct?

11          A. Yes.

12          Q. Okay. And you -- you understand that  
13          the Supreme Court found that it was not, right? You  
14          knew that?

15          A. Fear of Covid alone did not count as a  
16          disability.

17          Q. Okay. But your office made the  
18          decision in August of 2020 to send applications for  
19          mail-in ballots to all voters, correct?

20          A. Our office announced that we would be  
21          doing so in that Tweet on August 25th, 2020.

22          Q. Okay. And -- and that was a decision  
23          that you're not aware of any other county doing,  
24          right?

25          A. I'm not aware of the practices of other

1           counties.

2           Q. And this case was then litigated?

3           A. Yes.

4           Q. In the court, right?

5           A. Yes.

6           Q. And when I say "this case," I mean the  
7           mail-in ballots case that Texas -- the State of Texas  
8           filed against you on August 1st, 2020; is that right,  
9           Mr. Hollins?

10          A. That's correct.

11          Q. Okay. Now I'm going to show you -- the  
12          next exhibit will be Exhibit Number 8. I just very  
13          briefly want to show you this.

14          (Exhibit 8 marked)

15          (Phone rings)

16          MR. SWEETEN: 8.

17          MR. FOMBONNE: Thank you.

18          Q. (BY MR. SWEETEN) Okay. Have you seen  
19          this document before, Mr. Hollins?

20          A. I'm not sure.

21          Q. Okay. You would agree that this is  
22          written on -- this is written on letterhead of the  
23          Attorney General of Texas, and the top right corner  
24          you can see this is -- this was filed. There was a  
25          file stamp, much like the petition, that says

68

1           8/31/2020 at 6:00 p.m.

2           Do you see that?

3           A. Yes.

4           Q. And I know that you don't do  
5           litigation, but you know what a Rule 11 Agreement is,  
6           don't you?

7           A. I do do litigation.

8           Q. Okay.

9           A. I am a litigator.

10          Q. Okay. Oh, okay. I apologize.

11          A. And now having looked at this, I do  
12          recognize this particular letter.

13          Q. Okay. Very good. You know what a Rule  
14          11 Agreement is, which is an agreement by the parties  
15          to litigation, correct?

16          A. Yes.

17          Q. All right. And you would agree that  
18          this -- that this Rule 11 Agreement provided that  
19          that while this case was being litigated that Harris  
20          County would not send applications of vote by mail to  
21          registered voters under the age of 65 who had not  
22          requested them until five days after a ruling on an  
23          application for a temporary injunction?

24          Did I read that right?

25          A. That is correct.

1           Q. "The parties will request a temporary  
2           injunction hearing at a mutually agreeable time. The  
3           Office of the Attorney General will not seek a  
4           temporary restraining order, and representatives from  
5           the Harris County Clerk and the Secretary of State  
6           will discuss this matter at a mutually agreeable  
7           time."

8           That was the -- those are the terms of  
9           the agreement, right?

10          A. Yes, correct.

11          Q. And of course, in the first paragraph,  
12          which we won't go back over because we have already  
13          talked about it, but it references again your Tweet  
14          from the Harris County Clerk's Office of August 25th,  
15          2020, right?

16          A. The office's Tweet, correct.

17          Q. The office's Tweet, correct. You  
18          didn't write that Tweet, that was -- somebody does  
19          your Twitter account; is that right?

20          A. That's correct.

21          Q. All right. So that matter ultimately  
22          was resolved, correct, this matter about the  
23          mailing -- the mailing of applications to all  
24          registered voters, right?

25          MR. FOMBONNE: Object to the form.

69

1 Q. (BY MR. SWEETEN) Do you know?

2 A. Yes, this made its way up to the  
3 Supreme Court, and the Supreme Court made a ruling.

4 Q. Okay. So -- and so it went all the way  
5 to the Texas Supreme Court, as you said, and they  
6 came out with an opinion.

7 (Exhibit 9 marked)

8 Q. (BY MR. SWEETEN) And I'm going to hand  
9 you Exhibit 9. We are not going to go over this  
10 exhaustively but I just want to ask you a couple of  
11 questions about the opinion of the -- from the Texas  
12 Supreme Courts.

13 Now, first of all, if you look on page  
14 three, the Supreme Court in kind of the prefatory  
15 remarks in their opinion, they say, "The Legislature  
16 has made only five categories of voters eligible to  
17 vote by mail: One, those who expect to be absent  
18 from the county during the voting period; two, those  
19 with a disability as defined by Section 82.002 and  
20 our decision in *In re State*; three, those who will be  
21 65 or older on Election Day; four, those confined in  
22 jail at the time their application is submitted; and  
23 crime victims whose addresses are confidential by  
24 law."

25 Did I read that sentence from the

1 Texas Supreme Court correctly?

2 A. Yes.

3 Q. Okay. It also says, if you look on the  
4 bottom of page six under paragraph two under Roman  
5 Numeral II, "The authority vested in Texas counties -  
6 and county officials - is limited. Political  
7 subdivisions of the state - such as counties,  
8 municipalities, and school districts - share in the  
9 state's inherent immunity. But they represent no  
10 sovereignty distinct from the state and possess only  
11 such powers and privileges as has been expressly or  
12 impliedly conferred upon them."

13 Did I read the Supreme Court's opinion  
14 at six and seven correctly?

15 A. Yes.

16 Q. Okay. And then finally it -- the last  
17 portion I want to read is on page eight. It says,  
18 "Section 83.001(a) provides generally that an 'early  
19 voting clerk,' such as Hollins, 'shall conduct the  
20 early voting in each election.' Hollins argues that  
21 his duty to conduct early voting gives him the  
22 implied authority to mass-mail unsolicited ballot  
23 applications to registered voters, without regard to  
24 whether any particular voter is eligible to vote by  
25 mail. But Hollins' proposed mailing is unprecedented

1 in Texas elections and thus cannot be said to ever  
2 have been considered necessary and indispensable."

3 Did I read that correctly?

4 A. Yes.

5 Q. Ultimately the Supreme Court,  
6 Mr. Hollins, said that you could -- that it was --  
7 its interpretation was that of the Texas Elections  
8 Code that it did not provide the authority of a clerk  
9 to send ballot applications unless they were  
10 requested, correct?

11 MR. FOMBONNE: Object to the form.

12 THE WITNESS: I haven't read fully  
13 through this, so I don't know if it said that  
14 particularly.

15 Q. (BY MR. SWEETEN) Okay. But you -- you  
16 don't disagree that the Court -- and we can pull it  
17 back out, but you don't disagree that the Court  
18 indicated that it was not appropriate for -- for you  
19 going forward to send unsolicited ballot applications  
20 to all Harris County voters, right?

21 A. I'm still a little unclear. I will say  
22 that during the midst of this, we were able to send  
23 for the second time vote-by-mail applications to  
24 every senior over the age of 65 in the county and  
25 then this ruling prevented us from sending

1 applications to voters under 65 in the county.

2 Q. Okay. So let's go to the top of page  
3 11 where the Supreme Court says, "Without resolving  
4 this difference, and confining ourselves to the text,  
5 we think the only fair inference from Code's express  
6 recognition of private distribution of ballot  
7 applications and its silence on any official  
8 distribution is that the latter is unauthorized."

9 Did I read that correctly?

10 A. Yes.

11 Q. And then let's go to page 13. It is  
12 the first paragraph but I'm just going to read the  
13 last sentence, okay?

14 It says, "We hold that an early voting  
15 clerk lacks authority under the Election Code to  
16 mass-mail applications to vote by mail. The State  
17 has demonstrated success on the merits of its ultra  
18 vires claim."

19 Did I read that correctly?

20 A. Yes.

21 Q. Okay. So the Supreme Court found that  
22 that action wasn't authorized, in other words, that  
23 action being sending a ballot -- mail-in ballot  
24 applications to all registered voters in Harris  
25 County; that's what they found, right?

1 MR. FOMBONNE: Object to the form.  
 2  
 3

4 THE WITNESS: Well, what we just read  
 5 together was accurate of what they wrote.  
 6

7 Q. (BY MR. SWEETEN) Okay. And is -- you  
 8 don't disagree that they -- that the Supreme Court  
 9 basically found that that was -- you were not  
 10 authorized to do that --  
 11

12 MR. FOMBONNE: Object to the form.  
 13

14 Q. (BY MR. SWEETEN) -- "that" being  
 15 sending every registered voter in Harris County a  
 16 mail-in ballot application?  
 17

18 MR. FOMBONNE: Still my same  
 19 objection.  
 20

21 Q. (BY MR. SWEETEN) Okay.  
 22

23 A. I will repeat that, you know, during  
 24 the process and under this Rule 11 Agreement, we were  
 25 able to send every senior in Harris County a  
 vote-by-mail application. This ruling prevented us  
 from sending those under the age of 65 a mail-in  
 ballot application.

21 Q. Okay. And so the final -- let's just  
 22 go to paragraph 14, one more sentence I want you to  
 23 read. Then it says, "We hold that the Election Code  
 24 does not authorize an early-voting clerk to send an  
 25 application by mail to a voter who has not requested

1 one and that a clerks doing so results in irreparable  
 2 injury to the State."  
 3

4 Did I read that correctly?

5 A. Yes.  
 6

7 Q. Okay.  
 8

9 A. Yes.  
 10

11 Q. All right. So there was another  
 12 practice that you initiated in Harris County that had  
 13 not been previously -- that had not previously been  
 14 employed; is that correct?  
 15

16 MR. FOMBONNE: Object to the form.  
 17

18 THE WITNESS: If you want to clarify  
 19 what you're talking about.  
 20

21 Q. (BY MR. SWEETEN) Yeah. So you would  
 22 agree that you employed drive-thru voting as a method  
 23 of voting in Harris County, and that was done for the  
 24 first time in 2020, correct?  
 25

MR. FOMBONNE: Object to the form.  
 THE WITNESS: I'm not sure if we did

it for the first time. We did have drive-thru voting  
 in Harris County in 2020.

Q. (BY MR. SWEETEN) Okay. So --  
 (Phone beeps)

MR. SWEETEN: Is that me or you guys?  
 MR. FOMBONNE: Must be you.

1  
 2 MR. SWEETEN: All right.  
 3

4 Q. (BY MR. SWEETEN) All right. So I  
 5 think -- let me just show you an exhibit. This comes  
 6 from a website, the Harris County website, and I will  
 7 ask you about it.  
 8

(Exhibit 10 marked)

9 Q. (BY MR. SWEETEN) And this is Exhibit  
 10 Number 10. Let me make sure there is no writing on  
 11 it.  
 12

13 MR. FOMBONNE: Thanks.  
 14

15 Q. (BY MR. SWEETEN) Now, the part that --  
 16 so first of all, you would agree that this says on  
 17 the top "Isabel Longoria Elections Administrator,"  
 18 correct?  
 19

A. Yes.  
 Q. And if you look -- and who is -- is  
 Isabel Longoria? That is, she's Harris County's  
 Election Administrator, correct?

A. That's correct.

Q. All right. Now, it says the purpose --  
 if you look on the second page of Exhibit Number 10  
 it says, "drive-thru voting was created in the wake  
 of the Covid-19 pandemic as a safer, socially distant  
 alternative to walk-in voting for all voters. Harris  
 County is the first jurisdiction in Texas history to

1 create a method of voting at scale that allows any  
 2 registered voter to cast their ballot without leaving  
 3 the comfort of their vehicle."  
 4

5 Did I read that correctly from the  
 6 website?  
 7

A. Yes.  
 Q. Do you have any reason to dispute  
 that -- that Harris County was the first jurisdiction  
 in Texas history to create this method of voting,  
 drive-thru voting?

11 A. I think you left out the last two  
 12 words. I think we were the first to do it "at  
 13 scale."  
 14

15 Q. Okay. So you -- you think -- you hold  
 16 out a possibility that someone else has done it,  
 17 correct?  
 18

19 A. It's very likely to my knowledge that  
 20 someone else has done it, but I do think we were the  
 21 first ones to do it at scale.  
 22

23 Q. All right. And by "scale," that means  
 24 what to you?  
 25

A. We had 130,000 folks vote that way.  
 Q. Okay. So, I mean, then to

substantially use it; is that another way to say it?  
 MR. FOMBONNE: Object to the form.

1 THE WITNESS: I would think "at scale"  
 2 speaks for itself.

3 Q. (BY MR. SWEETEN) Okay. Well, let me  
 4 ask you: Do you have any personal knowledge of any  
 5 other jurisdiction of the 254 counties that it  
 6 employed drive-thru voting before Harris County  
 7 employed it in 2020?

8 A. Not personal knowledge. I have been  
 9 told of stuff.

10 Q. Okay. Do you recall who told you?

11 A. An election administrator in south  
 12 Texas.

13 Q. Okay. So you think there -- some  
 14 election administrator in south Texas may have told  
 15 you of some effort to do this?

16 A. That this -- that something like  
 17 drive-thru voting had taken place in south Texas  
 18 previously.

19 Q. Okay. In any event, you would agree  
 20 with me that -- that it is -- was not -- drive-thru  
 21 voting was certainly not widely used in the state of  
 22 Texas before 2020, right?

23 A. At scale, no.

24 Q. Okay. Do you know any other county  
 25 other than talking to an election administrator from

1 south Texas -- by the way who was that, do you know?

2 A. I don't recall. It was a female, but I  
 3 don't recall her name.

4 Q. Okay. Do you know if she was Hidalgo  
 5 County, Cameron County?

6 A. I don't recall.

7 Q. All right. Can you name any other  
 8 county that's ever utilized it at scale or not at  
 9 scale?

10 A. Again, I don't have firsthand  
 11 knowledge.

12 Q. Okay. So you would agree it wasn't  
 13 widely used in the state of Texas, to your knowledge?

14 A. At scale, no.

15 Q. What about other than at scale?

16 A. I don't have personal knowledge.

17 Q. Okay. In any event, this caused --  
 18 this application of drive-thru voting at scale  
 19 resulted in litigation about that practice, right,  
 20 Mr. Hollins?

21 A. That's correct.

22 Q. All right. And, in fact, an individual  
 23 by the name of Steven Hotze, M.D., Harris County  
 24 Republican Party, Honorable Keith Nielsen, and Sharon  
 25 Hemphill filed a Petition for Writ of Mandamus to the

80

81

1 Harris County -- to the Harris County Clerk with the  
 2 Texas Supreme Court in October of 2020, right?

3 A. Yes.

4 Q. All right. And we are not going to  
 5 spend a lot of time on this but I just want to  
 6 identify this. This appears to be their Petition for  
 7 Writ of Mandamus. I am marking it as Exhibit  
 8 Number 11.

9 (Exhibit 11 marked)

10 MR. SWEETEN: And a copy to  
 11 counselors.

12 MR. FOMBONNE: Thank you.

13 Q. (BY MR. SWEETEN) If we could just  
 14 go -- okay. Let's look at the nature of case on page  
 15 one. And it says "Respondent Hollins has announced  
 16 that the Harris County Clerk's Office will allow any  
 17 and all Harris County Registered voters - regardless  
 18 of whether they are permitted to do so under the  
 19 Texas Election Code - to engage in early and Election  
 20 Day drive-thru or curbside voting."

21 Did I read that correctly?

22 A. Yes.

23 Q. All right. And then they allege -- on  
 24 page 12 they say, "Respondent Hollins" -- or let me  
 25 give you time to get there.

1 A. Page 12?

2 Q. Yes, sir, the middle of the page on  
 3 page 12. So I will read it.

4 It says, "Respondent Hollins has  
 5 implemented a countywide drive-thru voting program  
 6 for every registered voter in Harris County. A true  
 7 and correct transcription of the pertinent excerpt  
 8 from a press conference where Respondent Hollins  
 9 identifies the program is attached to the Appendix to  
 10 this Mandamus Petition," and then there is a cite.

11 Do you see that where -- what I just  
 12 read?

13 A. I do.

14 Q. And did I read it correctly,  
 15 Mr. Hollins?

16 A. Yes.

17 Q. Okay. And then you say -- then it  
 18 says, "Respondent Hollins said the following," and  
 19 there is a quote that is attributed to you, and I  
 20 just want to ask you: Is this a true and accurate  
 21 quote, okay?

22 It says that you said "Drive-thru  
 23 voting is an option for all voters who would like to  
 24 be able to vote from the safety and comfort of your  
 25 vehicle. Drive-thru voting allows those who don't

1 qualify to vote by mail to minimize your exposure to  
 2 other voters and to election workers. While we hope  
 3 to have short lines across the country, drive-thru  
 4 voters waiting in line will be able to wait in the  
 5 comfort of your vehicle where you can listen to the  
 6 radio or converse with loved ones until you are  
 7 pointed to your drive-thru voting booth. We hope  
 8 that Harris County voters will consider utilizing  
 9 drive-thru voting."

10 Did I read -- first, did I read that  
 11 correctly, Mr. Hollins?

12 A. You read it correctly.

13 Q. And second, is that something you said  
 14 at a press conference?

15 A. It is very likely something I said at a  
 16 press conference.

17 Q. Okay. So finally if we go just go to  
 18 the next page, and this is part of their allegations  
 19 that they made to the Supreme Court, and they say,  
 20 "Because Respondent Hollins is allowing Harris County  
 21 registered voters to vote curbside without regard to  
 22 whether they're eligible to vote curbside, and  
 23 because of the very clear threat of imminent harm  
 24 which will result from the ineligible curbside voting  
 25 taking place in violation of the Election Code.

1 Relators bring this Mandamus Petition to mandate  
 2 compliance by the Respondent with his clear and  
 3 nondiscretionary ministerial duties."

4 And then it finally says, "As will be  
 5 shown below, Respondent's directive is in conflict  
 6 with the Texas Election Code and should not be  
 7 countenanced by this Court."

8 Did I read that correctly,  
 9 Mr. Hollins?

10 A. You did.

11 Q. You can put that aside.

12 So basically there is a lawsuit filed  
 13 with the Texas Supreme Court over this practice of  
 14 allowing drive-thru voting, right? That's what this  
 15 tells us?

16 A. That's correct.

17 Q. All right. And the lawsuit resulted,  
 18 as I understand it, in a stay of the lawsuit -- of  
 19 the -- I'm sorry.

20 There is an order issued by the Texas  
 21 Supreme Court denying the Petition for Writ of  
 22 Mandamus and Motion to Stay, right?

23 A. That's correct.

24 Q. And then there was a dissenting opinion  
 25 by one of the Justices, I believe it's Justin Divine,

1 about that issue. Do you recall that?

2 A. I don't recall specifically. I do  
 3 recall that he dissented.

4 Q. Okay. So you had a party out there  
 5 that petitioned the Supreme Court about this practice  
 6 that you utilized, correct?

7 A. Correct.

8 Q. All right. And then there was also  
 9 federal litigation about this issue, right?

10 A. Correct.

11 Q. Okay. And that litigation, I will just  
 12 hand you very quickly the order from Judge Hanen that  
 13 was issued on November 2, 2020, okay?

14 A. (Nods).

15 Q. And as I understand it, Harris County  
 16 was represented in that case -- or you were  
 17 represented in that case by Richard Mithoff; is that  
 18 correct?

19 A. He is one of the many attorneys on that  
 20 case.

21 Q. Okay. How about Mr. Fombonne?

22 A. I don't --

23 MR. FOMBONNE: Are you asking me?

24 THE WITNESS: I don't believe  
 25 Mr. Fombonne was in private practice at that time --

1 Q. (BY MR. SWEETEN) Okay.

2 A. -- and not at the County Attorney's  
 3 Office.

4 MR. FOMBONNE: That's correct.

5 MR. SWEETEN: I know Richard, he is  
 6 good guy. Here you go.

7 MR. FOMBONNE: Thank you.  
 8 (Exhibit 12 marked)

9 Q. (BY MR. SWEETEN) All right. So I'm not  
 10 going to spend a lot of time on this, but I just want  
 11 to read the order --

12 THE VIDEOGRAPHER: (Hands mic).

13 MR. SWEETEN: Oh, thank you.

14 Q. (BY MR. SWEETEN) -- from -- this is  
 15 Judge Hanen's Order issued you can see on the top  
 16 right November 2nd, 2020, right?

17 A. Yes.

18 Q. All right. And if we look on page  
 19 five, picking up kind of in the middle of  
 20 Judge Hanen's opinion he says, "This Court finds" --  
 21 this is the first sentence of the second paragraph,  
 22 "This Court finds that there is a difference between  
 23 the voting periods presented to it."

24 And then if we skip down to try to get  
 25 to the kernel of it, "The Court finds, after

1 reviewing the record, the briefing, and considering  
 2 the arguments of counsel, that the tents used for  
 3 drive-thru voting qualify as 'moveable structures'  
 4 for purposes of the Election Code. The Court is  
 5 unpersuaded by Plaintiff's argument that the voters'  
 6 vehicles, and not the tents, are the polling places  
 7 under the drive-thru voting scheme. Consequently,  
 8 the Court finds that drive-thru voting was  
 9 permissible during early voting."

10 Did I read that correctly?

11 A. That's correct.

12 Q. The Court then later says on page -- on  
 13 the bottom of page seven, "The Court finds the issue  
 14 as to Election Day to cut the opposite direction. On  
 15 Election Day, as opposed to early voting, there is no  
 16 legislation authorization for movable structures as  
 17 polling places. The Election Code makes clear that,  
 18 on Election Day, each polling place shall be located  
 19 inside a building, Texas Election Code 43.031(b)."

20 Did I read that right?

21 A. Yes.

22 Q. Okay. So this practice of -- of -- of  
 23 24-hour -- I'm sorry.

24 This practice of drive-thru voting, it  
 25 got kind of a mixed ruling from Judge Hanen, correct?

1 correct?

2 A. That's correct.

3 Q. But that's what they were asking for,  
 4 correct?

5 A. Correct.

6 Q. And you -- obviously that was  
 7 litigated, that was before the Court, and the Court  
 8 had to make a decision as to whether that practice  
 9 was okay or not under the existing Election Code,  
 10 right?

11 A. That's correct.

12 Q. All right. Now, as a result of that  
 13 ruling, it's my understanding that Harris County did  
 14 not employ drive-thru voting on Election Day; is that  
 15 right?

16 A. That's incorrect.

17 Q. Okay. Did you employ drive-thru voting  
 18 on Election Day?

19 A. Yes.

20 Q. Okay. There were no changes made to  
 21 your policies on drive-thru voting?

22 A. Because of concerns regarding -- let me  
 23 take a step back.

24 As you're probably aware, everything  
 25 that Judge Hanen wrote in here was -- he was saying

1 A. I'm not sure what you would describe as  
 2 a "mixed ruling."

3 Q. Okay. Well, he -- Judge Hanen  
 4 basically in his ruling, as we have just read,  
 5 basically said that in his view, he thought it was  
 6 permissible to do drive-thru voting for early voting  
 7 but on Election Day not, correct?

8 MR. FOMBONNE: Object to the form.

9 THE WITNESS: That's not what he said.

10 What he said was that you can use tents for  
 11 drive-thru voting before Election Day. So in early  
 12 voting, you can use tents. He said on Election Day,  
 13 you need to have it inside buildings.

14 Q. (BY MR. SWEETEN) Okay. Now, as a  
 15 result of this -- and first, going into this  
 16 litigation, these private plaintiffs that sued you,  
 17 there were -- there had been something to the order  
 18 of 100,000, 120,000 votes cast using that drive-thru  
 19 voting, correct?

20 A. That's correct.

21 Q. And one of the remedies that these  
 22 plaintiffs asked for from the Court was to invalidate  
 23 the 120,000 votes, right?

24 A. That's correct.

25 Q. Now, that relief they did not achieve,

1 what he would rule on if given a chance. Now, he had  
 2 already tossed the case on standing grounds, all  
 3 right? So he says, but it's going to go to the 5th.  
 4 If they kick it back, I'm just going to tell the 5th  
 5 what I'll do right here, sort of in theory so that  
 6 they know and we can kind of expedite this whole  
 7 thing, right?

8 So he says in early voting, voting --  
 9 you know, drive-thru voting can take place in tents  
 10 according to this as movable structures, right? Then  
 11 he says, but if they were to ask me about Election  
 12 Day, I would -- I would rule that this building is  
 13 different than a tent. And then in here on page  
 14 eight he uses Black's Law Dictionary and says it's a  
 15 structure with walls and a roof, a permanent  
 16 structure. And so he says because of that, if the  
 17 5th Circuit kicked this back down to me and asked  
 18 pre-to rule on Election Day, I would say that you  
 19 cannot have drive-thru voting in tents but you can  
 20 have it in a building; and thus, we discounted  
 21 drive-thru voting in tents on Election Day and we  
 22 continued it inside buildings on Election Day to  
 23 comply with what Judge Hanen would have ruled if the  
 24 5th Circuit had kicked it back down to him for a  
 25 ruling.

1 Q. Okay. And so you made those  
 2 adjustments in light of the interpretation of the  
 3 Texas Election Code that Judge Hanen expressed in  
 4 this order, right?

5 A. That's --

6 MR. FOMBONNE: Object -- objection.

7 I'll instruct you not to answer to the  
 8 extent that you're revealing a conversation with  
 9 counsel.

10 THE WITNESS: Sure.

11 I guess I'll just repeat. We kept  
 12 drive-thru voting going when it was in buildings and  
 13 we discontinued it in tents on Election Day because  
 14 of what Judge Hanen said and wrote down --

15 Q. (BY MR. SWEETEN) Okay.

16 A. -- in this -- in this holding.

17 Q. Okay. That's helpful. Thank you,  
 18 Mr. Hollins. Now, you played another --

19 THE WITNESS: Can we take a break.

20 MR. SWEETEN: Yes, of course.

21 THE WITNESS: Thanks.

22 THE VIDEOGRAPHER: The time is 3:32.

23 Off the record.

24 (Recess taken)

25 THE VIDEOGRAPHER: The time is 3:50.

1 Back on record.

2 Q. (BY MR. SWEETEN) Okay. So when we --  
 3 when we left to take our second break, we were  
 4 talking about the drive-thru voting lawsuit and the  
 5 outcome of that. And so I wanted to ask you a  
 6 question, Mr. Hollins.

7 I mean, during the time that that  
 8 litigation was going on, were you -- were you  
 9 concerned about the 120,000 votes that had been cast  
 10 and whether or not -- and those efforts by the  
 11 private plaintiffs to invalidate those votes?

12 MR. FOMBONNE: Object to the form.

13 THE WITNESS: I was concerned about  
 14 every vote in Harris County that was cast.

15 Q. (BY MR. SWEETEN) So including those  
 16 that had voted at drive-thru voting, you were -- you  
 17 were particularly concerned about these, correct?

18 MR. FOMBONNE: Object to the form.

19 THE WITNESS: It was my job to ensure  
 20 that every -- every registered voter in Harris County  
 21 had full access to the ballot and to the franchise,  
 22 and it was my duty to ensure that once they cast  
 23 those ballots, every single one of them counted.

24 Q. (BY MR. SWEETEN) Now, were there a  
 25 total -- was 120 the final total?

92  
 1 Do you know the total of votes cast in  
 2 the drive-thru voting?

3 A. It was somewhere around 130.

4 Q. Okay. Do you know, of the 130,000,  
 5 have you gone through the day to just sort of figure  
 6 out what percentage were Republican or democrat, for  
 7 example?

8 A. I have not.

9 Q. Okay.

10 A. I don't know that there's any way to --  
 11 to look into that. Every vote is a secret vote.

12 Q. Okay. Do you have any idea of what  
 13 percentage of, for example, you know, white voters,  
 14 African-American voters, Latino voters, Asian voters  
 15 utilized that had 24-hour drive-thru?

16 MR. FOMBONNE: Object to the form.

17 THE WITNESS: Estimates have been  
 18 done, not by myself but by other groups.

19 Q. (BY MR. SWEETEN) Have you done an  
 20 estimate or reviewed data that -- that was performed  
 21 to identify that information?

22 A. I have not done an estimate myself. I  
 23 have reviewed data but not detailed data. Like, I  
 24 have seen a statistic, which is like the summary of  
 25 others data analysis.

1 Q. Do you know who did the data analysis?

2 A. I believe the Texas Civil Rights  
 3 project.

4 Q. Okay. And do you know the methodology  
 5 that they utilized?

6 A. I do not.

7 Q. Okay. Do you know who at the Texas  
 8 Civil Rights project did that, performed that  
 9 analysis?

10 A. I do not.

11 Q. Okay. As far as the methodology  
 12 utilized, though, it sounds like that's not something  
 13 that you have any information on; is that right?

14 A. That's correct.

15 Q. All right. And so do you know what  
 16 those -- what the figures that you reviewed that were  
 17 performed by someone else state as far as what  
 18 percentage of voters were voting in drive-thru  
 19 voting?

20 A. Can you rephrase the question?

21 Q. Yeah. Just off the top of your head,  
 22 can you recall what those -- the numbers that you  
 23 reviewed, what they were?

24 A. I reviewed estimates of the racial and  
 25 ethnic background of voters who used drive-thru

1 voting.

2 Q. Okay. Do you know, for example, how  
3 many American Indians utilized or Native Americans  
4 utilized it?

5 A. I do not.

6 Q. Do you know how many Asian voters  
7 utilized 24-hour?

8 A. I do not.

9 Q. Do you know how many white voters  
10 utilized 24-hour voting?

11 A. The estimate that I saw was that  
12 47 percent of the voters who used drive-thru voting  
13 were white.

14 Q. Okay. And is that fairly consistent  
15 with the overall Harris County population?

16 A. It's directionally consistent.

17 Q. Uh-huh.

18 A. Let me take a step back.

19 Are you asking about the -- the  
20 population of Harris County or are you talking about  
21 the folks who vote in Harris County?

22 Q. I guess let's say registered voters, if  
23 you know?

24 A. Are you talk about registered voters or  
25 are you talking about the folks who vote in Harris

1 County?

2 Q. I guess let's start with people that  
3 vote.

4 A. I believe that the broader popu -- the  
5 broader voting population of Harris County is more  
6 than 47 percent white generally.

7 Q. Okay. And then with respect to  
8 registered voters, would 47 percent white be about  
9 the same as the registered voters in Harris County?

10 A. I haven't seen that data, I don't  
11 believe.

12 Q. Okay. What about total population of  
13 Harris County?

14 A. I don't have that data readily in my  
15 mind.

16 Q. Okay. So --

17 MR. FOMBONNE: And, Counsel, if  
18 you're -- if you're on the Zoom, would you mind  
19 muting yourself.

20 MR. DILLARD: I'm just going to turn  
21 it down so they don't hear them.

22 (Discussion off record)

23 Q. (BY MR. SWEETEN) So as -- with respect  
24 to the numbers that you've looked at, do you think --  
25 are you saying that the number -- if we were to

96  
1 compare the number of people that voted in drive-thru  
2 voting with the number of registered voters, you  
3 don't know how those compare?

4 A. That is correct.

5 Q. Okay. If we were to compare the  
6 numbers that you've seen from the other study the  
7 Texas Civil Rights Group produced and that you've  
8 reviewed, as far as total population figures of  
9 Harris County and how -- and whether -- how that  
10 relates to the 47 percent that voted, you don't know  
11 whether that would be consistent; is that right?

12 MR. FOMBONNE: Object to the form.

13 THE WITNESS: That's correct, I  
14 believe.

15 Q. (BY MR. SWEETEN) Okay.

16 A. Now, what I have seen is: Here is the  
17 breakdown of folks who voted in drive-thru voting,  
18 here is the breakdown of folks who voted generally.  
19 Those are the two datasets that I have seen summaries  
20 of.

21 Q. Okay. When you say "voted generally,"  
22 what does that mean? Is that as compared to another  
23 presidential election?

24 A. No, that's early voting in 2020.

25 Q. I'm not sure I understand.

96  
1 compare the number of people that voted in drive-thru  
2 voting with the number of registered voters, you  
3 don't know how those compare?

4 A. That is correct.

5 Q. Okay. If we were to compare the  
6 numbers that you've seen from the other study the  
7 Texas Civil Rights Group produced and that you've  
8 reviewed, as far as total population figures of  
9 Harris County and how -- and whether -- how that  
10 relates to the 47 percent that voted, you don't know  
11 whether that would be consistent; is that right?

12 MR. FOMBONNE: Object to the form.

13 THE WITNESS: That's correct, I  
14 believe.

15 Q. (BY MR. SWEETEN) Okay.

16 A. Now, what I have seen is: Here is the  
17 breakdown of folks who voted in drive-thru voting,  
18 here is the breakdown of folks who voted generally.  
19 Those are the two datasets that I have seen summaries  
20 of.

21 Q. Okay. When you say "voted generally,"  
22 what does that mean? Is that as compared to another  
23 presidential election?

24 A. No, that's early voting in 2020.

25 Q. I'm not sure I understand.

97  
1 So you're saying the numbers that you  
2 have seen are that 47 -- from the Texas Civil Rights  
3 project are that 47 percent of the people that used  
4 drive-thru voting were -- were white, correct?

5 A. Correct.

6 Q. You are then saying that -- that you're  
7 comparing -- the other date that you've reviewed  
8 would have been the early voting data from the  
9 Presidential election in 2020. How is that different  
10 from the drive-thru voting I guess is --

11 A. Because there were a hundred --

12 MR. FOMBONNE: Hang on. I am going to  
13 object to the form.

14 Q. (BY MR. SWEETEN) Okay. Go ahead.

15 A. Not every early voter in 2020 used  
16 drive-thru voting. That's why they're different.

17 Q. Got it. So you're comparing with other  
18 methods of voting?

19 A. I'm comparing it with voting in  
20 general.

21 Q. In the 2020 Presidential election?

22 A. Yes.

23 Q. And are you saying that as compared to  
24 other methods of voting, not the drive-thru voting,  
25 as compared to those early voters, where does the

1 A. I believe through press release and  
2 through social media.

3 Q. Okay. I assume your office was  
4 hurriedly trying to get the word out to Harris County  
5 voters that there were going to be some changes on  
6 Election Day when you were doing it the day before;  
7 is that correct?

8 MR. FOMBONNE: Object to the form.  
9

10 THE WITNESS: I wouldn't say we were  
11 hurriedly doing it. Immediately after making the  
12 decision, we made our decision known to the public.

13 Q. (BY MR. SWEETEN) Okay. All right. Now  
14 I'm going to hand you what's been marked as Exhibit  
15 Number 13.

16 (Exhibit 13 marked)

17 Q. (BY MR. SWEETEN) It's two pages. And  
18 can you tell me what these two pages are?

19 A. The first page says "November 3rd, 2020  
20 General and Special Elections Early Voting Schedule."

21 The second page says the same thing.  
22 So one -- it's a continuation of them. So this --  
23 this lists 112 different voting locations across  
Harris County.

24 Q. Okay. Now, one thing that's notable --  
25 and so that's how many you had, just to be clear, in

1 the 2020 Presidential election was 112 voting  
2 locations throughout Harris County, correct?  
3

4 A. I believe that -- so this counts to  
5 112. I believe that internally we -- we were  
6 counting them as 122. Because at the 10 drive-thru  
7 voting sites, there was also a walk-in voting site,  
and we treated them as two different sites.

8 Q. Okay. All right.

9 A. But for the ease of this, right, we  
10 didn't -- I think it would have been confusing to  
11 show duplication and that sort of thing.

12 Q. I see. So ten of these were drive-thru  
13 voting sites, correct?

14 A. They were all drive-thru voting sites,  
15 in addition to being walk-in sites, correct.

16 Q. Okay. How many total drive-thru voting  
17 sites did you utilize?

18 A. Ten.

19 Q. All right. And how do we know, like,  
20 which one is a drive-thru voting, is it -- is it  
21 apparent from this chart?

22 A. Yes, it is a blue square.

23 Q. Okay. And what methodology did you  
24 employ to decide where the 24-hour -- I'm sorry,  
25 where the drive-thru voting sites would be placed?

1 A. We were -- so drive-thru voting  
2 requires -- it's a large logistical operation.

3 Q. Uh-huh.

4 A. And so you had to either have a parking  
5 garage with ample space or a parking lot with ample  
6 space, and the people who owned said parking garage  
7 or parking lot had to be willing to give that to us  
8 to use; and so this -- the -- the options for  
9 drive-thru voting were limited to those places which  
10 were few and far between.

11 From there, we sought to ensure that  
12 each precinct had drive-thru voting sites. And so  
13 we -- we made sure that there were two in each  
14 precinct with the approval of those commissioners,  
15 and then we also had two headquartered sites, one  
16 which was at NRG and the other which was at Toyota  
17 Center.

18 Q. Okay. I mean, there were -- it looks  
19 like there were areas of north and west Houston --  
20 let's just start with west Houston that did not have  
21 any drive-thru voting sites. Is that accurate?

22 A. Can you refrain (sic) your question.

23 Q. Yeah. So if we look at what appears to  
24 me to be the Sam Houston Tollway, were there any --  
25 it looks like there was one drive-thru voting site

1 west of the Sam Houston Tollway in Harris County; is  
2 that correct? And that's in South Houston.

3 A. That looks to be correct.

4 Q. All right. And then if we look at --  
5 if we look at, again, west of the Sam Houston Tollway  
6 and anything north of I-10, you would you agree that  
7 there were no drive-thru voting sites in that  
8 location?

9 A. West of the tollway and north of I-10?

10 Q. Yes, sir.

11 A. Correct.

12 Q. All right. So now I want to talk about  
13 24-hour voting. Would you agree with me that on this  
14 sheet, on this Exhibit 13, that the areas where  
15 24-hour voting sites were located are listed in red?

16 A. Yes.

17 Q. And those 24-hour voting sites, it  
18 appears that the legend tells us that they were open  
19 for 24 hours on October 29th; is that right?

20 A. That's correct. Well, they opened at  
21 7:00 a.m. on the 29th and they -- they did not close  
22 that evening and then they were open until 7:00 p.m.  
23 on the 30th. So it's -- that's hard to write down  
24 succinctly, but yes, what it says is open 24 hours on  
25 October 29th.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Q.** Okay. So when you -- as far as offering 24-hour voting, it looks like you -- in Harris County, 24-hour voting was offered -- one, two, three, four, five -- six places.

Did I get that right?

A. I recall there being eight, but I do -- when I am looking at this, I see that there are six that are highlighted fully in red.

**Q.** Okay. And as to those -- so six are highlighted in red. Do you know what the other two locations were? Are they noted in some other way?

A. I don't recall what the other two were. Well, number one, so NRG Arena, which was our headquarters, its location number one, was certainly a 24-hour voting site.

**Q.** Uh-huh.

A. I don't know off the top of my head what the other one would have been.

**Q.** Okay.

A. But given how this is set up, I imagine that it was one of the drive-thru voting sites.

**Q.** Okay.

A. Because that's -- you know, the re -- I am -- I know y'all don't want me to speculate. I believe that the reason NRG is not red is because

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

it's blue, right?

**Q.** Uh-huh.

A. So I'm guessing that one of the other run blue ones was also a 24-hour site.

**Q.** Okay. To be clear, then, you think -- your recollection is that there were eight 24-hour voting sites during the 2020 Presidential election, right?

A. Correct.

**Q.** And that those 24-hour voting sites were open for one 24-hour period starting on October 29th and ending on October 30th; is that right?

A. That's correct.

**Q.** All right. So the next question, then, is --

A. Oh, sorry. It was a -- it was a 36-hour period. Again, opened at 7:00 a.m. on the 29th and did not close until 7:00 p.m. on the 30th.

**Q.** Okay. So -- but only one night in eight places was -- was the -- was the center open the entire -- the eve -- that -- that whole night, correct, and early morning hours?

A. Correct.

**Q.** Okay. Had you used -- had Harris

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**County ever used 24-hour voting before it was instituted during your -- your term in 2020?**

A. Not to my knowledge.

**Q.** All right. Had any other county in the state of Texas that you're aware of utilized 24-hour voting?

A. I'm not sure of the practice of other counties.

**Q.** During the 2020 election cycle, did you receive complaints about ballot -- about poll watchers being able to -- having issues with being able to observe voting activities?

A. None that I'm aware of --

**Q.** Okay.

A. -- of significance.

**Q.** Did you -- any at all complaints that you're aware of about poll watchers at some location in the Harris County area not being allowed to have full access to observe the election?

A. No, not that I'm aware of.

Are we done with this?

**Q.** Yeah, you can put that aside.

**Do you understand the reason for --**  
**and by the way, when coming into the 2020 election,**  
**there already were existing statutes that allowed**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**poll watchers to observe election activities, correct?**

MR. FOMBONNE: Object to the form.

THE WITNESS: Yes, the Election Code included provisions for poll watching before 2020.

**Q. (BY MR. SWEETEN)** Okay. And -- and that -- and those protections are there for what?

**What is the reason that poll watchers are allowed under the Election Code in your view?**

MR. FOMBONNE: Object to the form.

THE WITNESS: My general understanding is that it gives, you know, campaigns a peace of mind because they have someone who they trust observing the process and ensuring that it's a fair process.

**Q. (BY MR. SWEETEN)** So it -- would you say that it is something that is provided for to aid the overall integrity of the election process?

MR. FOMBONNE: Object to the form.

THE WITNESS: I would say that it aids peace of mind for individual campaigns or parties.

**Q. (BY MR. SWEETEN)** Would you say it aids competence in the election process?

MR. FOMBONNE: Object to the form.

THE WITNESS: I think it provides peace of mind to the parties involved or the

1 candidates involved.

2 Q. (BY MR. SWEETEN) And does it naturally  
3 follow that also it provides them com -- more  
4 confidence in the election process?

5 MR. FOMBONNE: Object to form.

6 THE WITNESS: Yes, I would imagine  
7 that -- that peace of mind also gives them confidence  
8 in the process.

9 Q. (BY MR. SWEETEN) Okay. Now, you would  
10 agree with me that -- that poll watchers are  
11 typically unpaid volunteers, right?

12 A. I don't know if they're paid or unpaid.

13 Q. Okay. Was there -- do you recall  
14 controversy about this effort to operate 24-hour  
15 voting sites in Houston, Texas --

16 A. No.

17 Q. -- Harris County, Texas?

18 A. No.

19 Q. Okay.

20 A. In fact, I believe it was one of the  
21 only things that we did that we didn't get sued over.

22 Q. Okay. Would you agree that if a poll  
23 watcher has to be at a location for the entirety of a  
24 24-hour period, that that is harder to assemble poll  
25 watchers to observe that during that time period?

1 MR. FOMBONNE: Object to form.

2 THE WITNESS: I don't think there's  
3 any situation in which any poll watcher has to do 24  
4 hours of anything.

5 Q. (BY MR. SWEETEN) Do you -- do you  
6 think -- I mean you've told me that there are 122  
7 election sites in Harris County, right?

8 A. Yes, if you include the drive-thru  
9 voting sites as two separate sites.

10 Q. Okay. And if someone were to want to  
11 make sure that all of those locations are -- are --  
12 that poll watchers exist at all those locations, that  
13 that is a -- that that's quite a lift from a manpower  
14 perspective?

15 A. Harris County is a very large county.

16 Q. Yeah. So, among other things, you  
17 would agree that having somebody -- a candidate or a  
18 party having poll watchers at 122 locations in and of  
19 itself is a mammoth task?

20 MR. FOMBONNE: Object to the form.

21 THE WITNESS: Harris County is a large  
22 county with a lot of voting locations.

23 Q. (BY MR. SWEETEN) And to -- in other  
24 words, to staff the poll watchers is a massive -- is  
25 a -- is quite an undertaking, isn't it?

1 MR. FOMBONNE: Object to the form.

2 THE WITNESS: It would require over a  
3 hundred poll watchers.

4 Q. (BY MR. SWEETEN) Okay. And certainly  
5 if you extend those hours over a lengthy period of  
6 time, would you agree that it -- I mean it's  
7 objective fact that would take more time and more --  
8 more poll watchers to observe that time period,  
9 right?

10 MR. FOMBONNE: Object to the form.

11 THE WITNESS: In addition to the 122  
12 locations -- or, pardon me, in addition to the 122  
13 poll watchers, it would require eight additional poll  
14 watchers.

15 Q. (BY MR. SWEETEN) Okay. But you just  
16 told me that you probably wouldn't be manned by one  
17 person, right, it would be other people -- it would  
18 be multiple people?

19 A. If you're covering a 7:00 p.m. to 7:00  
20 a.m. period --

21 Q. Uh-huh.

22 A. -- which is what we did, and all we did  
23 was add 12 hours of voting in between the other  
24 12-hour shifts in eight locations --

25 Q. Uh-huh.

1 A. -- you could just send eight more  
2 people to have a 12-hour shift.

3 Q. Would you agree with me that uniformity  
4 of elections is -- I mean, you were a clerk and you  
5 were governed by the Election Code, right, when you  
6 came in for that five-and-a-half-month period, right?

7 A. I was the clerk --

8 Q. All right.

9 A. -- and I followed the Election Code.

10 Q. And you had to have familiar --  
11 familiarity with the Election Code and its  
12 provisions, right, to -- to -- in order to administer  
13 an election, right?

14 A. You have to follow the Election Code.

15 Q. Okay. And you would agree with me that  
16 the Election Code Section 31.003 requires the  
17 Secretary of State to obtain and maintain uniformity  
18 in the application, operation, and interpretation of  
19 the Election Code, right?

20 A. I'm not familiar with every single  
21 clause of -- of the Election Code personally.

22 Q. Uh-huh.

23 A. So if that's what 3103 says, then I  
24 would view it as what 3103 says.

25 Q. And that existed prior to the 2020

1 term. At that -- I guess at that hearing, Briscoe  
 2 Cain violated some point of order or something of  
 3 that nature and the hearing had to be shut down and  
 4 so I wasn't -- I wasn't able to testify.

5 **Q. Okay. And that was -- that was in the**  
 6 **regular session --**

7 A. That's correct.

8 **Q. -- what you're describing?**

9 So you came over to testify in the  
 10 regular session but because the committee, there was  
 11 some Parliamentary and procedural issue that happened  
 12 that it didn't -- the committee hearing didn't  
 13 continue, right?

14 A. That's correct.

15 **Q. So you were unable to testify in the**  
 16 **regular session?**

17 A. That's correct.

18 **Q. Did you attempt to testify in the first**  
 19 **special session?**

20 A. No.

21 **Q. Did you attempt to testify in the**  
 22 **second special session?**

23 A. No.

24 **Q. Do you -- would -- was there any reason**  
 25 **you were prohibited from doing it or you chose not to**

124

125

1 **Q. Okay.**

2 A. That's what I mean to say.

3 **Q. Okay. So you watched some of the**  
 4 **Senate floor debate and some of the House floor**  
 5 **debate?**

6 A. Correct.

7 **Q. Okay. You did not watch the committee**  
 8 **meetings in either of those, correct?**

9 A. I don't believe so.

10 **Q. Okay. Now, it sounds like you were --**

11 A. I --

12 **Q. Go ahead.**

13 A. I think I might have seen some.

14 **Q. Okay. It sounds like you were over**  
 15 **there for more of the regular session than the first**  
 16 **or second special sessions, correct?**

17 A. Correct.

18 **Q. All right. Did you travel to Austin**  
 19 **during the first session or second session, special**  
 20 **sessions?**

21 A. Not from my recollection.

22 **Q. Okay. How many times did you travel to**  
 23 **Austin for the first regular session, meaning the**  
 24 **regular session?**

25 A. Three or so.

1 **do so in this first and second special sessions?**

2 A. I don't believe I was prohibited from  
 3 doing so.

4 **Q. Okay. Did you monitor, did you watch**  
 5 **video of the -- of the hearings in the regular**  
 6 **session?**

7 A. Yes.

8 **Q. Did you watch video of the proceedings**  
 9 **in the first special session?**

10 A. No, not to my knowledge.

11 **Q. Did you watch proceedings in the second**  
 12 **special session?**

13 A. I believe so.

14 **Q. Okay. Do you recall what you watched**  
 15 **in the second special session?**

16 A. I believe that I watched not committee  
 17 meetings, but sessions of the Senate. You know,  
 18 general sessions of the -- general meetings of the  
 19 Senate, and then similarly, when some of these -- I  
 20 guess what would have been S.B. 1 at that time was in  
 21 front of the House, I think I watched some of those  
 22 proceedings also.

23 **Q. So you watched -- and were the**  
 24 **proceedings the committee or the floor hearings?**

25 A. The floor hearings.

1 **Q. Okay. And have you told me all the**  
 2 **members that you -- you can recall meeting with?**

3 A. Yes.

4 **Q. Okay. Now, you've been critical of**  
 5 **S.B. 1, right?**

6 A. Yes.

7 **Q. Okay. I want to talk about a few**  
 8 **issues that S.B. 1 addresses, okay?**

9 Now, you would agree with me that  
 10 S.B. 1 addresses the issue of 24-hour voting,  
 11 correct?

12 A. Yes, S.B. 1 makes 24-hour voting  
 13 illegal.

14 **Q. Okay. You would agree with me that**  
 15 **S.B. 1 addresses the issue that was subject to a**  
 16 **lawsuit here, which is mail-in -- mailing ballot --**  
 17 **mail-in ballot applications to -- to voters who do**  
 18 **not request one?**

19 A. Yeah, S.B. 1 makes it illegal for  
 20 election administrators to send vote-by-mail  
 21 applications proactively to voters.

22 **Q. You would agree that S.B. 1 addresses**  
 23 **another issue that was -- that you employed here,**  
 24 **which is drive-thru voting, correct?**

25 A. S.B. 1 makes drive-thru voting illegal.

1 Q. Okay. You would agree that S.B. 1  
 2 deals with the issue of poll observers, correct?  
 3

4 A. S.B. 1 does change the rules regarding  
 5 poll watchers, yes.  
 6

7 Q. As the former Harris County Clerk, do  
 8 you believe that integrity of elections is an  
 9 important thing?  
 10

11 A. Yes.  
 12

13 Q. Do you believe that preventing fraud is  
 14 an important concern for the legislature?  
 15

16 MR. FOMBONNE: Object to the form.  
 17

18 THE WITNESS: I believe that we want  
 19 to have elections without fraud. Whether or not  
 20 that's important I think pertains to if fraud is  
 21 actually happening; and so if fraud is not happening,  
 22 then I don't believe it's very important to address.  
 23

24 Q. (BY MR. SWEETEN) Okay. Is it your  
 25 view that fraud doesn't happen in elections?  
 26

27 A. It is my view based on data that fraud  
 28 is extraordinarily rare in elections.  
 29

30 Q. Okay. You're not -- you're not  
 31 asserting that fraud doesn't occur in elections, are  
 32 you?  
 33

34 A. I'm asserting that it's extraordinarily  
 35 rare.  
 36

128 1 being posted. Do you recall reading this article  
 2 when it came out?  
 3

4 A. I'm not sure if I've read it before.  
 5

6 Q. Okay. It's got your picture. Now,  
 7 surely -- surely somebody sent it to you, didn't  
 8 they?  
 9

10 A. There are a lot of articles that have  
 11 my picture on it.  
 12

13 Q. Okay. All right. You can see the  
 14 headline on this is "Former Harris County Clerk, no  
 15 regrets over voting programs that sparked Texas  
 16 Legislative backlash."  
 17

18 I did read that right?  
 19

20 A. Yes.  
 21

22 Q. Does that accurately report, do you  
 23 have -- do you have any regrets about any of the --  
 24 of the voting measures that you instituted for the  
 25 first time here in Harris County?  
 26

27 MR. FOMBONNE: Object to form.  
 28

29 THE WITNESS: I do not regret  
 30 providing unparalleled access to registered voters in  
 31 Harris County and protecting their right to vote.  
 32

33 Q. (BY MR. SWEETEN) Okay. Let's read the  
 34 first sentence together.  
 35

36 It says, "The former Harris County  
 37

1 Q. Okay. But you're not saying it doesn't  
 2 happen, right?  
 3

4 A. I am not saying it doesn't happen.  
 5 Q. I want to show you an article.  
 6

7 Do you know who James -- well, I will  
 8 mispronounce his name -- but Barragán for the -- for  
 9 the Dallas Morning News, do you know who that is?  
 10

11 A. Yes.  
 12

13 Q. Okay.  
 14

15 MR. SWEETEN: I will get it. Thank  
 16 you.  
 17

18 (Exhibit 15 marked)  
 19

20 Q. (BY MR. SWEETEN) I am going to hand you  
 21 what's been marked as Exhibit Number 15. That's a  
 22 picture of you on the bottom, right?  
 23

24 A. On page one, yes, sir.  
 25

26 Q. Yes, sir. And this is an article that  
 27 was in the Dallas Morning News. We can find a date  
 28 on here, I hope. Okay. You can see it on the -- on  
 29 the second page. It says, "By James" --  
 30

31 MR. SWEETEN: And for the court  
 32 reporter, B-A-R-R-A-G-I- or G-A-N.  
 33

34 Q. (BY MR. SWEETEN) And the title of the  
 35 article and the date -- did I say the date?  
 36 April 16th, 2021 at 2:09 p.m., this shows it was  
 37

1 being posted. Do you recall reading this article  
 2 when it came out?  
 3

4

5 Clerk who experimented with expanded voting programs  
 6 during the November election says he has no regrets,  
 7 even though those actions have led to a severe  
 8 backlash from lawmakers who want to tighten voting  
 9 rules in the state."

10 Did I read that correctly?  
 11

12 A. Yes.  
 13

14 Q. Now, he's reporting about your view.  
 15 So I guess I'm asking: Is that your view, that you  
 16 have no regrets and that you believe that there was a  
 17 backlash from law -- lawmakers as a result of some of  
 18 your actions here in Harris County?  
 19

20 MR. FOMBONNE: Object to the form.  
 21

22 THE WITNESS: Laws like S.B. 1 are  
 23 being passed across the country in plenty of states,  
 24 all except one that do not contain Harris County.  
 25 And so laws like this I believe would have been  
 26 passed regardless of what's happened in Harris County  
 27 in 2020.  
 28

29 Q. (BY MR. SWEETEN) Well, but I mean, you  
 30 don't disagree that some of the measures that you  
 31 employed are addressed in S.B. 1? We just went over  
 32 several, right?  
 33

34 A. I do not disagree with that.  
 35

36 Q. Okay. Now, S.B. 1 has some provisions  
 37

1       **that you like, I assume, right?**

2           MR. FOMBONNE: Object to the form.

3           THE WITNESS: As I mentioned  
4           previously, I haven't read all the way through  
5           S.B. 1.

6           **Q. (BY MR. SWEETEN) Okay.**

7           A. There is one provision in S.B. 1 that  
8           codifies online tracking of mail ballots, which I  
9           think is helpful to voters.

10          **Q. Okay. What about the provision that  
11          expands hours -- I mean, we can look at if you want,  
12          but that expands minimum hours for counties over  
13          50,000 from 8:00 to 9:00, do you think that's a good  
14          provision?**

15           A. Generally speaking, yes.

16          **Q. Do you think that the provision in  
17          smaller counties that -- to raise the minimum hours  
18          for early -- early voting from 3:00 to 4:00 is a good  
19          provision?**

20           A. Generally speaking, yes.

21          **Q. Okay. Do you think the protections --  
22          let me just ask you this: When you were the clerk,  
23          you would agree that the Election Code provided  
24          protections for Election Day voting for employees, in  
25          other words, an employer couldn't penalize them for**

1       **taking some time off on Election Day to vote, right?**

2           A. That's my understanding, yes.

3           **Q. Do you agree that S.B. 1 actually  
4           extended those provisions to early voting as well?**

5           A. I am not aware of that provision, but  
6           if that is the case, I think that's generally a good  
7           thing.

8           **Q. Okay. And I'll let you see it just so  
9           you can -- we can -- if I can find mine.**

10           A. (Hands document).

11          **Q. Oh, thank you. Mine's marked. So you  
12          keep yours. Oh, wait. No, that's a poll observer.  
13          All right. I can't read my writing on some of this.  
14          Bear with me guys. Okay. Here we go. It should be  
15          on page 27 of your copy.**

16           A. All right.

17          **Q. No, that is not it. Hold on. Let me  
18          see if I can get some help here.**

19           **(Discussion off record)**

20          THE WITNESS: As I said before, if  
21          that provision exists in here, I think that's a  
22          generally good provision.

23          **Q. (BY MR. SWEETEN) Okay.**

24           A. I don't think we need to flip through  
25           this document.

132         **Q. All right. That's fine. Then we  
2           won't -- we won't go find it.**

3           Now, the issues -- I think we have  
4           talked about some of the things that you wanted to  
5           implement. So I want to ask: In the context of  
6           S.B. 1, what are your particular -- and I know you  
7           said you hadn't read the whole thing, but what are  
8           your particular criticisms of S.B. 1?

9           We have talked about 24-hour voting.  
10          Is that one of them?

11           A. Yes.

12          **Q. We have talked about drive-thru  
13          voting --**

14           A. Yes.

15          **Q. -- and its impact on that?**

16          We have talked about -- we have talked  
17          about applications for mail-in ballots, that someone  
18          has to request those and that -- and that S.B. 1  
19          addressed that issue, correct?

20           A. To be more clear, we talked about, you  
21          know, yeah, what's in this bill is the inability of  
22          nonpartisan election administrators to share  
23          vote-by-mail applications proactively with their  
24          voters, while any private citizen or even noncitizen  
25          in America can, without limitation, send vote-by-mail

1       applications to anybody that they want. I think  
2       that's a big problem.

3           **Q. Okay. And that's your interpretation  
4           of S.B. 1?**

5           A. No, that's --

6           MR. FOMBONNE: Object to the form.

7           THE WITNESS: -- that's what S.B. 1  
8           says.

9           **Q. (BY MR. SWEETEN) Okay. So let me ask  
10          you, we have gone over those three? What other --  
11          what other criticisms do you have of S.B. 1?**

12          A. Again, I have not read fully through  
13          it. There are the provision in here that empower  
14          poll watchers to intimidate voters; the provisions in  
15          here that make it harder to transport seniors who  
16          need transportation to the polls, I think that's a --  
17          a big problem. Those are a couple. There's I  
18          imagine more, but those are a couple that come to  
19          mind.

20          **Q. Okay. And your problem with that is  
21          what? Because it --**

22           MR. FOMBONNE: Object to the form.

23          **Q. (BY MR. SWEETEN) Do you know what  
24          S.B. 1 -- how -- the number that -- of people that  
25          can be brought to the polls, do you know if it**

1 MR. FOMBONNE: Object to the form.  
 2

3 THE WITNESS: As I stated before  
 4 election fraud in Texas is extraordinarily rare. And  
 5 I will state further that in my quick review of these  
 6 very, very few Harris County cases over the last 17  
 7 years, nothing in S.B. 1 addresses anything that  
 8 would actually, you know, make it easier to address  
 9 these cases.

10 MR. SWEETEN: All right. I'm going to  
 11 object to that part as nonresponsive.

12 Q. (BY MR. SWEETEN) Let me ask you:  
 13 Because of the existence of S.B. 1, sorry, would --  
 14 would you in the future send unsolicited mail-in  
 15 ballot applications to people in Harris County if you  
 16 were the election administrator?

17 MR. FOMBONNE: Object -- object to the  
 18 form.

19 THE WITNESS: By doing so is a felony.  
 20 I don't -- I don't believe that any election  
 21 administrator would -- would want to willingly commit  
 22 a felony.

23 Q. (BY MR. SWEETEN) Okay. In any event,  
 24 it's clear from S.B. 1 that sending unsolicited  
 25 mail-in applications to people that haven't asked  
 them from a public official is illegal now; that's

1 clear from the statute itself, right?  
 2

3 A. Yes. S.B. 1 changed Texas law to make  
 4 that illegal.

5 Q. Okay.

6 MR. SWEETEN: All right. I'm going to  
 7 take a quick break and then I will be back. Do you  
 8 want to take about a five-minute deal?

9 MR. FOMBONNE: All right.

10 MR. SWEETEN: Okay.

11 THE VIDEOGRAPHER: The time is 4:53.

12 (Recess taken)

13 THE VIDEOGRAPHER: The time is 5:06.  
 14 We're back on the record.

15 Q. (BY MR. SWEETEN) Okay. So hopefully  
 16 the last hour of the deposition, Mr. Hollins. Thank  
 17 you. You've been hanging in there.

18 I want to go over turnout figures for  
 19 the state. Now, you would agree that 2020 was a high  
 20 turnout year for really all of Texas, right?

21 A. Yes.

22 Q. Okay. And in fact, I'm just going to  
 23 show you a few figures, some turnout figures in  
 24 Texas. Here they are, so --

25 (Exhibit 18 marked)

Q. (BY MR. SWEETEN) So I will start

144  
 1 with -- with the Texas -- the general Texas figures,  
 2 and so you would agree that that reflects in the 2020  
 3 Presidential elections, the second column, that in  
 4 Texas, the percentage of turnout for registered  
 5 voters according to the Secretary of State was  
 6 66.73 percent, right?

7 A. Yes.

8 Q. Okay. And that the -- I'm going to  
 9 show you different counties. So here's Fort Bend  
 10 County.

11 (Discussion off record)

12 Q. (BY MR. SWEETEN) All right. So this  
 13 is Exhibit 19, Mr. Hollins, and you would agree that  
 14 these figures are for -- these are Fort Bend County  
 15 but I got to show you where that is.

16 Okay. So you can see the counties.  
 17 It's marked -- it's in bold there on the map.

18 Do you see that?

19 A. You mean the geographic location of the  
 20 county?

21 Q. Yes, sir.

22 A. Sure.

23 Q. That's Fort Bend County, right, that  
 24 geographic location?

25 A. Yes.

145  
 1 Q. And you would agree that the numbers  
 2 show that the total turnout was 74.12 percent, right?

3 A. Yes.

4 MR. FOMBONNE: Can I get a copy?

5 MR. SWEETEN: Of course.

6 Q. (BY MR. SWEETEN) And you can see  
 7 over -- when it says "search county" it says "Fort  
 8 Bend" over the top right?

9 A. Yes.

10 Q. Okay. And then I will show you a  
 11 couple more. So this one is Exhibit 21 -- 20.

12 (Exhibit 20 marked)

13 Q. (BY MR. SWEETEN) And you would agree  
 14 that this one shows Denton County's total turnout,  
 15 correct?

16 A. Yes.

17 Q. And Denton's -- Denton is up in the  
 18 Dallas area, correct?

19 A. Yes.

20 Q. And as far as whether or not Denton  
 21 County -- their turnout was 73.96 percent, according  
 22 to these figures, correct?

23 A. Yes.

24 Q. All right. And then we will look at  
 25 Tarrant County, and Tarrant County, the figures there



1 have minimal to no impact. So like, as an example,  
 2 the first Harris County case, illegal voting  
 3 impersonation of a deceased voter, I don't think  
 4 S.B. 1 would in any way impact a case like that,  
 5 right? It's always been wrong to impersonate  
 6 deceased people and it will be wrong tomorrow.  
 7 S.B. 1's not going to change that. And the other --  
 8 there's other stuff like that.

9       The -- he was referencing earlier some  
 10 stuff on the back pages. They're all about false  
   11 statements on a registration application, using a  
   12 false registration address. I don't think S.B. 1  
   13 affects anything like that and what it's meant to  
   14 impact. And that one, in particular, the false  
   15 statement on registration seems to be like the most  
   16 common thing on here, right? And so we're looking  
   17 at, I don't know, a couple of dozen charges that are  
   18 listed on this table, and that one seems pretty  
   19 common here. And again, this law doesn't -- doesn't  
   20 affect this at all.

21       **Q. (BY MR. DILLARD)** Okay. Thank you for  
 22 that answer. I now have what I would like to  
 23 introduce as Exhibit --

24       MR. DILLARD: What number are we on?  
 25       THE COURT REPORTER: (Hands sticker).

1       **Q. Pardon me, I am just going through my  
 2 notes to make sure of everything.**

3       **All right. In your opinion with  
 4 drive-thru voting, was there any harm?**

5       MR. FOMBONNE: Object to the form.

6       THE WITNESS: No, I don't think any  
 7 harm was done during drive-thru voting.

8       MR. DILLARD: All right. I have no  
 9 further questions.

10       MR. SWEETEN: Okay. So I just have a  
 11 couple.

12       FURTHER EXAMINATION

13       **Q. (BY MR. SWEETEN) If we could just pull  
 14 this chart up. I'm just going to look at the first  
 15 two pages. I know we all have places to go.**

16       A. Fair.

17       **Q. So I'm not going to belabor this but  
 18 let's look on the first page and particularly if you  
 19 look at the column called "Allegation."**

20       A. Uh-huh.

21       **Q. Now, you would agree on the second line  
 22 it says, "Vote harvesting, mail fraud, assisting  
 23 fraud," right?**

24       A. Yes.

25       **Q. Would you agree those are issues that**

1       (Exhibit 25 marked)

2       MR. DILLARD: Here you go. And to  
 3 you.

4       **Q. (BY MR. DILLARD)** It's a report that's  
 5 titled "Braking the Status Quo."

6       **Have you seen this report or have you  
 7 ever reviewed this report before today?**

8       A. I have not, no.

9       **Q. Well, it's a report that is pretty  
 10 much -- it goes into drive-thru voting, which we  
 11 spoke about earlier, and, you know, I wanted to know  
 12 if you would maybe go through it just to -- just for  
 13 your own edification, but I want to -- I want to  
 14 ask -- let me strike that.**

15       I want to ask you a simple question as  
 16 in: In your experience in drive-thru vote -- voting  
 17 as a Harris County clerk, did you recognize or -- did  
 18 you recognize any voter fraud through drive-thru  
 19 voting in the 2020 election?

20       A. No.

21       **Q. Did you receive any complaints about  
 22 voter fraud through the drive-thru voting in the 2020  
 23 election?**

24       A. No direct complaints. There were  
 25 allegations when we got sued.

1       **S.B. 1 dealt with generally?**

2       A. This says "Possession of an official  
 3 ballot by another person."

4       **Q. Okay.**

5       A. I do not believe that S.B. 1 dealt with  
 6 that at all.

7       **Q. You don't think that -- I mean, have  
 8 you read the provisions of S.B. 1 that relate to  
 9 influencing voters?**

10       A. I have not --

11       MR. FOMBONNE: Object to the form.

12       THE WITNESS: I have not read every  
 13 provision. The stuff that we have talked about today  
 14 generally hasn't touched on and that.

15       **Q. (BY MR. SWEETEN) Okay. But I mean, to  
 16 be clear -- and it's okay, you're not holding  
 17 yourself out as an expert on this 70-some-odd-page  
 18 bill S.B. 1, correct?**

19       A. I am not an expert on that particular  
 20 bill.

21       **Q. Okay. And you haven't -- you haven't  
 22 reviewed all of it either?**

23       A. I have not reviewed all of it.

24       **Q. Okay. If we would look at the next.  
 25 The heading is "Vote harvesting mail ballot: Fraud**

1 assisting fraud." Do you see that on the next column  
 2 in Nueces County?

3 A. I do.

4 Q. Okay. Do you disagree that the general  
 5 subject matter of S.B. 1 relate to those topics?

6 A. Again, it says, "Method of returning  
 7 marked ballot." I don't know that S.B. 1 touches on  
 8 that.

9 Q. Okay. But you don't -- I mean, again,  
 10 that's not a provision that you have listed as  
 11 problematic for you, we haven't discussed that  
 12 provision, and you've indicated you haven't read the  
 13 whole bill, nor are you an expert on that bill,  
 14 right?

15 MR. FOMBONNE: Object to the form.

16 THE WITNESS: That's a lot of  
 17 statement, but generally I think, yes, I'm not an  
 18 expert on the bill, I have not reviewed every piece  
 19 of this bill.

20 Q. (BY MR. SWEETEN) Okay. Here's one in  
 21 Reeves County, "Vote harvesting, mail ballot fraud,  
 22 method of returning marked ballot." Do you agree  
 23 that S.B. 1 deals with that issue?

24 A. That's similar to the one above. I  
 25 don't agree that S.B. 1 addressed how returning --

1 how marked ballots are returned.

2 Q. You don't think there are provisions in  
 3 S.B. 1 that address when you can drop off a ballot  
 4 and how -- and how that's to be received and -- and  
 5 performed?

6 A. So if we're talking about mail ballots,  
 7 I think the law was pretty clear before S.B. 1 on how  
 8 you returned mail ballots, which was through the  
 9 mail, or on Election Day, you can bring them in  
 10 personally.

11 Q. And do you --

12 A. I don't think that S.B. 1 changed  
 13 either of those.

14 Q. Do you know if S.B. 1 had a provision  
 15 that required identification whenever you're  
 16 returning a mailed ballot and that it has to be given  
 17 to an election official?

18 A. Well, yeah, I think that's the biggest  
 19 reason why seniors and people with disabilities are  
 20 being disenfranchised right now is that the I.D.  
 21 requirement with regard to mailed ballots has tossed  
 22 out a ton of mail ballots.

23 Q. Can you name -- I have dropped my mic.

24 Can you name a single voter that --  
 25 that has not been able to cast their ballot as a

1 result of S.B. 1 at this point?

2 A. I have a good friend her name is Pam  
 3 Gaskin, she is extremely involved in politics. She's  
 4 very intelligent. She's very well versed in how all  
 5 this stuff worked. She had her mail ballot rejected  
 6 not once but twice because of this I.D. provision.

7 Q. How did she end up having to cast her  
 8 vote?

9 A. I don't know if her vote ever counted.

10 Q. Okay.

11 A. I also know that the wife of Mayor  
 12 Anise Parker, her vote did not count because it got  
 13 rejected. I also know that Mayor Anise Parker's mail  
 14 ballot got rejected, but she went through a curing  
 15 process and ultimately her vote did count.

16 Q. You would agree there is a curing  
 17 process in voter -- in S.B. 1, right?

18 A. I'm not familiar with it, but I do  
 19 believe that election administrators have to alert  
 20 people that their mail ballot was tossed and that  
 21 they -- that there's a way to get that figured out.

22 Q. Okay. So let's -- let's go over it.

23 In the state of Texas, you have two  
 24 weeks of early voting that you can vote in person,  
 25 correct?

1 A. Yes.

2 Q. You have -- you can vote on Election  
 3 Day, correct?

4 A. Yes, you can vote on Election Day.

5 Q. You can -- you can ask for an  
 6 application by mail-in ballot if you -- if you fit  
 7 the specific category of people that are allowed to  
 8 do that, correct?

9 A. Yes.

10 Q. If you put your -- and you understand  
 11 that S.B. 1 requires you to put your identification  
 12 numbers on the mail-in ballot, correct?

13 A. Yes.

14 Q. And if you do that on the application  
 15 and it's the correct number, you don't -- you don't  
 16 disagree that you can vote in -- through the mail-in  
 17 ballot process, right?

18 MR. FOMBONNE: Object to the form.

19 THE WITNESS: I agree that -- that  
 20 most votes cast through mail-in ballots were counted  
 21 in March of 2022.

22 Q. (BY MR. SWEETEN) You can even bring  
 23 under the election -- and that's not my question, but  
 24 I was just saying: You agree that if you put your  
 25 identification numbers on your ballot and send it in

1 and they match what's with the election  
 2 administrator, then those -- then those ballots will  
 3 count under S.B. 1, correct?  
 4

5 A. Yes.  
 6

7 Q. All right. Let's go back to the two  
 8 examples you gave me.  
 9

10 Is there some reason that Ms. Parker's  
 11 spouse could not vote in person?  
 12

13 A. I am not familiar with this specific  
 14 situation.  
 15

16 Q. Do you know if she did vote in person  
 17 ultimately?  
 18

19 A. No, she ultimately did not vote at all.  
 20

21 Q. Do you know if she tried to bring her  
 22 mail ballot in in person?  
 23

24 A. I do not know the circumstances that  
 25 took place after she received notice of rejection.  
 26

27 Q. Do you know why she didn't vote during  
 28 the two-week early voting period?  
 29

30 A. No, I don't. But she has the right to  
 31 vote by mail. So there's no reason that needs to be  
 32 given for that.  
 33

34 Q. And do you know why she couldn't vote  
 35 on Election Day?  
 36

37 A. Again, she has the right to vote by  
 38

1 mail. She doesn't have to give an excuse as to why  
 2 she can't vote on Election Day.  
 3

4 Q. Well, the point is that there are  
 5 multiple -- there are multiple ways to cast your  
 6 ballot in the state of Texas. We have gone over  
 7 them, haven't we?  
 8

9 A. And one of them is by mail.  
 10

11 Q. And many -- and some of it is by in  
 12 person?  
 13

14 A. Absolutely.  
 15

16 Q. Some of it curbside voting, if you --  
 17 if you're allowed -- if you fit within the category  
 18 of folks that can utilize curbside voting, right?  
 19

20 A. Yes.  
 21

22 Q. You could do early voting, you could do  
 23 Election Day voting?  
 24

25 A. Yes.  
 26

27 Q. And you can do mail-in voting if you  
 28 fill out your numbers on your mail-in ballot?  
 29

30 A. Yes.  
 31

32 Q. Okay. Now, are you familiar -- you  
 33 were the Harris County Clerk. Are you familiar with  
 34 other states and their voting processes?  
 35

36 A. Not deeply familiar, but I have -- I  
 37 have -- I have visited other states to observe their  
 38

1 voting processes and I have done, you know, light  
 2 homework on other state's processes.  
 3

4 Q. Are you familiar with the fact that  
 5 there are multiple states that all they have is  
 6 Election Day voting and mail-in voting, not early  
 7 voting?  
 8

9 MR. FOMBONNE: Object to the form.  
 10

11 THE WITNESS: I know that practices  
 12 vary across the country in terms of how many days  
 13 people can vote and the methods with which they can  
 14 vote.  
 15

16 Q. (BY MR. SWEETEN) Do you know that in  
 17 the state where system of our opponents live, for  
 18 example, the Brennan Center and other plaintiffs and  
 19 the State of New York and that up until 2019 they had  
 20 no early voting in place?  
 21

22 A. I am familiar with that.  
 23

24 Q. Okay. Certainly it's better to have  
 25 two weeks of early voting than none, correct?  
 26

27 A. Yes.  
 28

29 Q. Okay. Now, back to this sheet, it is  
 30 the case, isn't it, this is an 11-page spreadsheet,  
 31 correct?  
 32

33 A. Yes.  
 34

35 Q. So you've told us already that you  
 36

1 haven't read all of S.B. 1 and are not an expert on  
 2 it, right?  
 3

4 A. Yes.  
 5

6 Q. I assume it's the case, since you said  
 7 that you've never seen this before today, that you  
 8 don't know the details and facts of all of this 12  
 9 pages of -- of election fraud violations that are  
 10 listed here in this exhibit, correct?  
 11

12 A. That's correct.  
 13

14 Q. All right. So with respect to your  
 15 ability to offer an opinion on any of these, you  
 16 would agree there are people that are in a better  
 17 place -- better position to offer those, those with  
 18 knowledge of these cases, correct?  
 19

20 A. There are certainly people who know  
 21 more about S.B. 1 than I do.  
 22

23 Q. Okay. And more about these violations  
 24 as well that are listed here, correct?  
 25

26 A. Yes.  
 27

28 MR. SWEETEN: Okay. I don't have  
 29 anything else. Thank you.  
 30

31 MR. FOMBONNE: Nothing from me.  
 32

33 THE VIDEOGRAPHER: And no one on Zoom?  
 34 Probably not.  
 35

36 THE WITNESS: Y'all got any questions?